Acta Apostolicae Sedis

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Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

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[*Latin ed. p. 5*]

Year IX - Vol. IX, January 10, 1917, No. 1.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY.

FROM POPE BENEDICT XV.

LETTERS.

I. CONGREGATION OF THE CLERGY: A PERMANENT CORPORATE ASSOCIATION IS GRANTED INDULGENCES IN THE CITY OF BONONIENSIS.

BENEDICT XV, POPE.

For the perpetual memory of this matter.

It has come to Our knowledge and has been ascertained that in the city of Bononiensis, there exists a canonically established Congregation of the clergy, encompassing four city districts, and that this same Congregation has, in the past, received certain indulgences and spiritual graces for a limited time, by Our predecessors, Pope Pius IX and Pope Leo XIII, may they rest in peace.

Now, since the period of the aforementioned concessions has elapsed, and Our beloved son, Augustus Lanzarini, priest and Prior of the clergy, has earnestly implored Us to renew these indulgences, or to grant them anew, and in a perpetual manner: We, wishing to offer a singular sign of Our favor to the clergy of Bononiensis, have deemed it fitting, as far as is pleasing to the Lord, to grant their requests.

Therefore, confident in the mercy of Almighty God and in the authority of the Apostles, SS. Peter and Paul, We grant to all and each of the priests duly admitted to, or who shall be admitted to, the aforementioned Congregation of the clergy in Bononiensis, that, truly contrite and having confessed their sins, and having received Holy Communion, they may, each year, on the feast day of the Assumption of the Blessed Virgin Mary, the principal patroness of that heavenly Society, from midday of the preceding day until sunset on the day of the feast, in the Metropolitan church of Bononiensis, obtain the following:

[*Latin ed. p. 6*]

6. The Acts of the Apostolic See – the official commentary – should be diligently perused, and therein, for the sake of the concord of Christian Princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, devout prayers should be offered, fully; and with the same members of this Congregation present, whenever they

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participate in gatherings, and after having confessed and been absolved, and after having partaken of the heavenly repast, they shall celebrate the feast of the Church in which the deceased are duly commemorated, offering prayers as above, and adding, in accordance with the will of the Roman Pontiff, once, the recitation of the Our Father, the Angelic Salutation, and the Trisagion; and we mercifully grant to all their sins and offenses, a plenary indulgence and remission in the Lord. Finally, to the same members present and future, belonging to the congregational clergy of this Congregation, if, with at least a contrite heart, and having offered customary prayers, they participate in processions with the permission of the Ordinary, or perform some other work of piety or charity according to the rules of the Society, we remit from the number of years of penance, in the usual manner of the Church, seven years and forty days. Furthermore, we grant to these members the permission, if they so desire, to expiate the defects and penalties of their past lives through these plenary and partial indulgences. Notwithstanding any contrary provisions. This is valid for the present and for all future times. Given in Rome, near St. Peter's, under the Fisherman's Ring, on the tenth day of December, 1916, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

II. THE CHURCH OF ST. ANTHONY OF PADUA, IN NEAPLES, IS RESTORED TO THE SACRED MILITARY ORDER. BENEDICT XV. For the sake of posterity. — Whereas, in the year 1863, through similar Apostolic Letters, sealed with the Fisherman's Ring on September 25th, the church dedicated to St. Anthony of Padua, in Naples, which belonged to the Sacred Military Order of Constantinian, was placed under the jurisdiction of the ordinary Archbishop of Naples for the time being; and whereas, Pope Pius IX decreed and stipulated that this should be effective provisionally, until otherwise provided by himself or by the Holy See. Now, however, since, after the appointment of our beloved son, the Prelate John de Sangro di Casacalenda, as Grand Prior of the Constantinian Order, with the approval and consent of this Holy See, the following has been done:

[*Latin ed. p. 7*]

Act of Pope Benedict XV, dated the 11th day of the month of December of the year 1915. It having appeared opportune to Us, that the Church itself, together with the care of souls attached to it, should be restored to the Order, We, by the fullness of Our Apostolic power, by the present document, revoking and declaring obsolete those things which are written below, grant to the aforementioned Grand Prior, John de Sangro, and to his successors in office, the abbatial benefice with the care of souls of Saint Anthony of Padua, in Naples, together with all and singular rights and privileges attached to it, by the same Our Apostolic authority, by the tenor of these presents. However, We command that, in the exercise of the care of souls, the aforementioned Grand Prior shall be perpetually subject to the

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Ordinary of Naples, in the same manner and with the same form as those are subject to the Ordinaries of parishes in churches of Regular canons; also, that the members of the Order of Saint Constantine, especially if they are ecclesiastics, shall be perpetually subject to the jurisdiction of their proper Ordinary, except in matters which strictly pertain to the aforementioned Order. These things We grant, decreeing that these present Letters shall always exist and remain firm, valid, and efficacious, and shall have and obtain their full and complete effect: and that those to whom they pertain, or who may pertain to them, shall fully and completely support them, and that judgment shall be rightly rendered and defined concerning them, and that they shall be declared void and of no effect, if anything should be attempted concerning these matters by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding Our regulations and those of the Apostolic Chancery concerning matters of law, and other Apostolic Constitutions and Decrees, and all other things whatsoever to the contrary. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the 9th day of December, 1916, in the third year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

III. THE TEMPLE OF SAINT JOHN OF GOD, WHICH EXISTS IN GRANADA, IS ENNOBLED WITH THE TITLE OF MINOR BASILICA.

BENEDICT XV. For the perpetual memory of the matter. — In Granada, there exists a noble temple dedicated to Saint John of God, which, in the middle of the 18th century, was magnificently rebuilt with artistic works. That sacred edifice is worthy of being seen.

[*Latin ed. p. 8*]

8 Acta Apostolicae Sedis - The Commentary, with its impressive facade, twin towers, and magnificent dome. Inside, it shines with gold, marble, and skillfully painted and sculpted images of saints, which beautifully adorn the walls, chapels, and altars of the temple. A religious community from the Order of St. John of God, residing in an adjacent building, is entrusted with the honor of divine worship and other sacred duties, which are diligently and faithfully performed by twelve brothers from the same Order. The temple is richly furnished and decorated, and there are many relics of the saints, carefully preserved in urns and precious containers. In particular, the relics of the holy St. John of God are venerated on the main altar, hidden within a large silver chest. In addition to the indulgences enjoyed by all members of the aforementioned Order, this temple in Granada, being affiliated with the Archbasilica of the Lateran Palace, Rome, possesses the same spiritual benefits as that Mother and Head of all Churches. Remembering these things, the beloved son Frederick Rubio Alvarez, Superior of the Province of Spain, Mexico, and Portugal of the Order of St. John of God, earnestly requested that we deem it fitting to adorn the temple in Granada, dedicated to God and to the Founder of his Order, with the

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title and dignity of a Basilica. We, after considering the recommendation of the Archbishop of Granada, and after hearing the Most Reverend Fathers, Cardinals of the Congregation for Sacred Rites, hereby, with our Apostolic authority, and for all time, declare the temple of St. John of God the Confessor in Granada to be a simple Basilica, with the privilege of displaying the bell and canopy, to which the coat of arms of the same church may be added (but not adorned with gold or silver). We decree that these present letters shall always remain valid and effective, and shall have their full and complete effect; and that those to whom they pertain, now or in the future, shall fully benefit from them, and that it shall be duly judged and determined, and that anything contrary to these shall be considered void and null if anyone, with any authority, knowingly or unknowingly, attempts to alter them. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twentieth day of December, in the year 1936, the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 9*]

Acta Benedicti PP. XV 9 EPISTOLAE I Ad R. P. Emmanuelem Bailly, Magistrum a B. V. MARIA Societatis Ordo « SIDERIBUS DE CONDIDIT RECEPTA '. NOTRE-DAME ATQUE DE ETIAM NUNC GENERALEM ORDINIS AUGUSTINIANI OB SALUT PLURA » NAVITER ET PRAECLARA GRATULATUR, MERITA QUAM IDEM MODERATUR.

Beloved Son, Your touching supplication has recalled to Us the benefits accomplished by the Association of Notre-Dame de Salut, founded and directed by the Members of Your Congregation, enriched with precious spiritual favors by Our Predecessors of holy memory, the Popes Pius IX, Leo XIII, and Pius X. United under the beautiful evangelical motto: "Adveniat regnum tuum," the Members of the Association, so devoted to the Church, so affectionate to the Vicar of Jesus Christ, distinguish themselves by their active faith and their tireless apostolate, in accomplishing works of religion and charity for the salvation of a great number of souls. In the presence of the fruitful results obtained, in various forms, it pleases Us to express to you all Our satisfaction. At the same time, We make fervent wishes that, following the impulse given by your Congregation, the crowds may resume their efforts as soon as possible, to implore the help from on high in those places where God manifests particularly His power and pours forth the abundance of His graces. While the tragic events that stain Europe present an obstacle to this pious undertaking and to other works, which, in ordinary times, are proper to your Institute, it is very pleasing to Us to congratulate the Association of Notre-Dame de Salut for having directed the effort of its zeal towards the work of Masses, chapels, and portable altars, and for having been able, with the aid of generous alms, to ensure, in the armies and on the battlefields, the celebration of the Holy Sacrifice of

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the Mass for so many priests and the distribution of the Holy Communion to so many faithful. Therefore, desiring to encourage the Members of the Association and its Directors, as well as all the Benefactors of its works, We grant to them, with the outpouring of Our heart, the apostolic blessing.

[*Latin ed. p. 10*]

10 Acta Apostolicae Sedis - Official Commentary, a pledge of heavenly favors and a testament to Our paternal benevolence. Given at Rome, near Saint Peter's, on May 24, 1916, in the second year of Our Pontificate. BENEDICT XV. To James Cardinal Gibbons, Archbishop of the Baltimore Archdiocese, for the safe operation of the Committee, ten thousand dollars are sent to aid the poor Belgian children.

Most Reverend Cardinal, a profound paternal sorrow filled Our heart as We read – in an important letter, recently sent to Us by the esteemed President of the meritorious Committee for the Relief of Belgium – a rapid, yet evident, description of the pitiable situation of numerous Belgian children who, during two sad years, suffer from a lack of nourishment sufficient to sustain their delicate lives from the very beginning.

With accents of anguish, the aforementioned President presented to Us many desolate families who, having given all that was humanly possible, have nothing left to feed their children. He brought before Our eyes, as it were, the long and ever-increasing lines of children awaiting the daily distribution of bread; unhappy little ones, whose bodies, weakened by malnutrition, often bear the marks of fatal diseases, which originate from the very malnutrition itself.

He informed Us that, in order to avert such suffering, the Committee, demonstrating its best intentions and sparing no sacrifices, has organized the distribution of an additional meal per day to the children; but he added, with sorrow, that, due to a lack of resources, the Committee itself is unable to provide such assistance to all the children who need it.

Desirous of providing these resources, the worthy President turned his thoughts and heart to the millions of children of his happy and noble America, who, surrounded by abundance, if they had a true understanding of the unfortunate condition of their little peers in Belgium, and especially if they had heard Our word urging them to...

[*Latin ed. p. 11*]

The Acts of Pope Benedict XV, dated November 11th, state that they would not hesitate for a moment to contribute, according to a pre-established plan, to its support. Now, considering all of this, We deem the work indicated to Us to be so humanitarian and holy that, adhering without delay to the express desire of those who direct the Committee, We have come to the determination to bring it to your attention and to recommend it, as We are doing now, to You, Your Eminence, and through you to the

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illustrious Members of this venerable Episcopate, to the Clergy, to every person of good heart, and particularly to those children of America, upon whom all hope of success for the plan devised for that pious purpose by the aforementioned beneficent Institution rests. And, in truth, We do not doubt that these happy children of America, without distinction of faith or class, will, in their innocent pride, strive, as a harsh and painful winter approaches, which promises to be even more severe than the two preceding ones, to extend a helping hand and offer a contribution from that charity which knows no distances to the poor little brothers and sisters of the Belgian nation. The words of the Divine Redeemer: "For I was hungry, and you gave me food; I was thirsty, and you gave me drink" (St. Matthew, XXV, 40), so aptly recalled in this circumstance, are a sure guarantee of heavenly favor and reward; while We also feel that, in this period of atrocious fratricidal conflict, the peoples of the more fortunate lands are ennobled in the very eyes of the world by performing true acts of goodness and love, and by pouring a little balm on the wounds. Confident that You, with the help of all, according to their abilities, will do everything in your power to promote the aforementioned initiative, We, as a token of the loving interest We have in its successful outcome, send you herewith Our contribution of ten thousand lire; which offering, although it may seem inadequate in view of the need, and appears small in itself, is nevertheless such, if one considers the conditions of this Apostolic See in this present sad moment. At the same time, particularly pleased to represent on earth that Jesus who was the divine Friend of children, We earnestly invoke upon all who will support this noble and delicate undertaking the fullness of heavenly graces and rewards; of which this apostolic blessing is a pledge, which We impart to You, Your Eminence, to the other two of Your Colleagues in the Holy College, to the Bishops, to the Clergy, and to all the faithful of these States, with special affection. From the Vatican, October 28, 1916. BENEDICT XV

[*Latin ed. p. 12*]

To Anthony Cardinal Mendes Bello, Patriarch of Lisbon, and to the other Archbishops and Bishops of Lusitania, regarding Letters of Obedience, expressing gratitude.

Beloved Sons and Venerable Brothers, greetings and the apostolic blessing.

We gladly seize the opportunity afforded to Us by your common letters to write to you, beloved Sons and Venerable Brothers. You sent these in your annual assembly, so that, as you testified together, piety might be more pleasing and more delightful to Us. Indeed, it is most pleasing, especially in this matter, because it bears witness to your pastoral diligence and prudence. We have seen the arguments that have guided your deliberations; and we consider them entirely worthy of the industry that bishops devote

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to their duties, especially at this time.

Leaving aside other matters, you write that you have decided to work to foster and strengthen the bond of unity among Catholics. Indeed, these are times that cry out for this, and cry out vehemently. But it is necessary with counsel. For it is easily foreseen that no concord can exist or endure if discipline is neglected. Therefore, the greatest care must be devoted to this, so that those who give their name to Catholic associations – for this age demands support for this cause – should not be content with this alone, but should pursue religious duties in accordance with their purpose, and should first of all feel themselves called to a certain new service, which must be followed by those leaders who hold authority in the Church, and who, through their profession of faith, fear nothing.

Meanwhile, may you all, beloved Sons and Venerable Brothers, and to each of your clergy and people, receive from Us, through the abundant fruits of your endeavors, the apostolic blessing, a testament to Our benevolence and the gifts of heaven.

Given at Rome, at St. Peter's, on the seventeenth day of December, in the year 1916, in the third year of Our Pontificate.

BENEDICT XV.

[*Latin ed. p. 13*]

The Most Holy Congregation of the Holy Office, 13.

ACTS OF THE SUPREME HOLY CONGREGATIONS.

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE.

DECREE CONCERNING MIXED MARRIAGES, NOT ARISING FROM THE HEAD OF CLANDESTINITY.

The Ordinary of the Diocese of N., having already obtained the faculty of validating in the root mixed marriages, not arising from the head of clandestinity, because they were not celebrated according to the norms of the Decree *Ne temere*, when the non-Catholic party refused to appear before a Catholic priest, now asks:

1) Whether, when the non-Catholic party does not refuse to appear before a Catholic priest, but nevertheless refuses to give the due assurances, it is to be provided for by a dispensation and renewal of consent before the Catholic priest, passively present, or rather, by validation in the root; and to what extent it is to be provided for by validation in the root.

2) Whether the faculty of validating in the root in this second case is to be considered included in the faculty already obtained for validating in the

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root mixed marriages, not arising from the head of clandestinity, or not.

3) Whether a new faculty should be requested from the Holy See, or not.

In a plenary session of the Supreme Holy Congregation of the Holy Office, held on Thursday, November 20, 1912, after the aforementioned questions were proposed, the Most Eminent and Reverend Lords, Cardinals, Inquisitors General in matters of faith and morals, having carefully considered everything, decreed the following answers:

To 1: Negatively to the first part, affirmatively to the second.

To 2: Not included.

To 3: Provided for in the second.

And it is to be requested of the Most Holy Father that He would deign to validate in the root those marriages from this head which have, up to now, been invalidly validated by Bishops.

And on the following Friday, November 21 of the same month, the Most Holy Lord, Pope Pius, by divine providence, PP. X, in his usual audience with the Reverend Father, the Assessor of the same Supreme Holy Congregation, graciously approved and confirmed the resolution of the Most Reverend Fathers, and validated in the root the marriages.

[*Latin ed. p. 14*]

14 Acta Apostolicae Sedis - An Official Commentary on matters which, up to now, have not been validly approved by Bishops, and which He has deigned to grant. Notwithstanding any objections whatsoever. Given in Rome, from the Offices of the Holy Office, on the 22nd of December, 1916. Aloisius Castellano, Sacred Bachelor and Licentiate, Notary. SACRED CONGREGATION CONSISTORIAL, I. DECREE CONCERNING THE ESTABLISHMENT OF A VICAR GENERAL IN THE CITY OF SAINT STEPHEN, DIOCESE OF LYONS. Since, with the Metropolitan See of Lyons vacant, certain faithful of the city of Saint Stephen have again and earnestly requested that, for the easier governance of the faithful and for the adornment of their city, a proper episcopal chair be established there, on the 29th of July of the current year, this question was again examined in the plenary session of the Sacred Congregation Consistorial. But, since many and not insignificant arguments dissuaded the division of the Lyonnaise diocese, and it seemed that something else might be granted, whereby the just desires of the faithful of that city might be fulfilled, as far as possible, and in this way the question of division might be avoided, and not come up for discussion against their will, the Most Holy Pope Benedict XV, adhering to the votes expressed by the Fathers of the Sacred Congregation Consistorial, before the Metropolitan See would see its Pastor, decreed and established the following: 1. One of the General Vicars of the Reverend Archbishop of Lyons must, for the time being and permanently, reside in the city of Saint Stephen, and there he will perform

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the duties of his office for the city and for the places of that civil province which are most distant from the Lyonnaise See, which the aforementioned Reverend Archbishop will designate by his decree. 2. This Vicar must attend the episcopal councils of Lyons at least once a week, so that the unity of governance may be maintained intact and in every respect.

[*Latin ed. p. 15*]

Most Holy Congregation Consistorial, 15, 3. In order that the sacrament of Confirmation may be administered and that pontifical functions for the splendor of the divine worship, especially in the city of Saint Stephen, may be carried out, the aforementioned Vicar shall be regularly adorned with the episcopal character. For this reason, the aforementioned Reverend Archbishop, before appointing any priest to the office of General Vicar in the city of Saint Stephen, shall confer with the Apostolic See.

4. In the event of a vacancy in the Archiepiscopal See, the Vicar residing in the city of Saint Stephen shall continue in his office, but shall be dependent, for the duration of the legal process, on the Vicar Capitular of Lyons. These regulations are valid, notwithstanding any contrary provisions. Given at Rome, from the offices of the Most Holy Congregation Consistorial, on the 30th of October, 1916.

Signed: G. CARD. DELAI, Bishop of Sabina, Secretary. L. ffi S. I. Baptista Rosa, Substitute.

TO THE REVEREND ORDINARIES OF ITALY CONCERNING THE ORDINATION OF CLERICS ENGAGED IN MILITARY SERVICE.

In order that a certain right may be established for all, and that everything may be clear concerning the ordination of clerics who, during this war, have been compelled to enter military service, the Most Holy Pope Benedict XV, after consultation with a special group of Cardinals of the Holy Roman Church, has declared and established the following:

1) It is absolutely forbidden, except for most serious reasons, to promote any cleric who receives military pay, or who is about to be called into military service, even if he is otherwise worthy and suitable, to the sacred order of subdeacon; and all those to whom this applies shall be gravely burdened with the responsibility of observing this prohibition.

2) As for the further ordination of those who are already instituted in the sacred orders, if they are engaged in the aforementioned circumstances, recourse must be had to the respective Sacred Congregations, which, in each individual case, if necessity or another very serious reason intervenes and is proven, and if the legitimate course of studies has been interrupted and the Ordinary of the diocese or religious order requests it, shall provide appropriately; always, however, under the condition that the candidate has

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a suitable period of time.

[*Latin ed. p. 16*]

16. The *Acta Apostolicae Sedis* – the Official Commentary – may be consulted, so that, through spiritual recollection, one may worthily prepare oneself for the sacred ordination; 3) with all these things observed, it is permissible for the Ordinary of Castrum to grant testimonial letters to a cleric, by reason of his military service, at the request of the local Ordinary or of the religious order to which he belongs; Furthermore, the Most Holy Lord has commanded that this be made public and observed by all to whom it pertains, notwithstanding any contrary provisions. The Sacred Congregation, having made use of the publication of the present Decree, warns all the ecclesiastical authorities throughout Italy and earnestly exhorts them to diligently and vigilantly follow up on the clerics who have been called to, or will be called to, military service, according to the circular letters issued by it on June 16, 1916. Given in Rome, from the Sacred Congregation Consistorial, on January 2, 1917. *$¡ C. CARD. DELAI, Bishop of Sabina, Secretary. L. ¡$(S. ′ f V. Sardi, Archbishop of Caesarea, Assessor.

PROVISIONS FOR CHURCHES. By the decrees of the Sacred Congregation Consistorial, the Most Holy Lord Benedict XV has provided the following for the churches, namely:

1. December 16, 1916. – To the cathedral church of Bosa, he appointed the Reverend Father Angelicum Zanetti, Provincial Commissary of the Order of Friars Minor in Sardinia.

2. December 18. – To the titular archiepiscopal church of Heraclea, he appointed the Reverend Sebastian Nicotra, Apostolic Nuncio in the Republic of Chile.

3. December 25. – To the titular episcopal church of Sidon, he appointed the Reverend Joseph D'Alessio, parish priest of the cathedral church of Naples, with a delegation to serve as an Auxiliary to the Eminence, the Archbishop of Naples.

4. January 2, 1917. – To the cathedral church of Constantinople, he appointed the Reverend Francis Bessière, parish priest of the place of Sidi-bel-Äbbes in the diocese of Oran.

5. January 5. – To the titular archiepiscopal church of Ephesus, he appointed the Reverend Lawrence Lauri, Apostolic Internuncio in the Republic of Peru.

[*Latin ed. p. 17*]

SACRED CONGREGATION OF BISHOPS / 17

SACRED CONGREGATION OF BISHOPS FOR THE DIOCESE, ABSOLUTION, AND THE GRANTING AND REMISSION OF MISSES.

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November 20, 1915.

Case Presented. – The Most Reverend Bishop H..., N. N., of his diocese, reverently presented a written account to this Sacred Congregation, stating that a parish priest of his diocese had died before he was able to properly arrange his affairs. Among other things, it was determined that this priest had left a certain number of manual Misses still to be paid for, the stipends for which he had completely consumed. Furthermore, as testified by the Bishop, there were no surviving heirs of the deceased priest, and no inheritance except for debts, and therefore there was no one obligated by right to fulfill the obligations for the Misses; and it was also impossible for the episcopal curia or diocesan priests to undertake such an obligation out of charity, given the poverty of the curia and the clergy. Therefore, the Bishop humbly requested that the Most Blessed Father [the Pope] would deign to grant "a most merciful remission of the outstanding obligations for the Misses."

Observations. – The Consultor who wrote regarding this case believes that there is a basis for the requested remission, and that it would be effective in fulfilling the Church's needs according to the measure of divine benevolence, through the fruits of Misses not celebrated; however, he maintains that a condition is essential for the granting of this concession, namely, that some faithful person undertake a certain good work, albeit not proportionate, for this purpose; and this good work, according to the Consultor's opinion, can suitably be constituted even by the celebration of a single Mass. Therefore, it is proposed to respond to the Bishop's petition according to the following formula: "Provided that there is a priest willing, out of charity, to offer one Mass for the obligations left by the deceased, the Sacred Congregation of Bishops, after that celebration has been completed, will fulfill the remaining obligations for the Misses from the treasury of the Church; otherwise, there is nothing else that remains, except to pray for the deceased."

This conclusion is supported by the Consultor with the following considerations.

ACTA, vol. IX, n. 1. – January 10, 1917.

[*Latin ed. p. 18*]

18 Acta Apostolicae Sedis - Official Commentary. Firstly, there is no doubt that a general remission of Masses can be granted by the Reverend Fathers, as is clearly shown in the common [texts], Paschal, De Sacrif. Nov. legis, II, q. 1151, where it is written: "It must be said that the Supreme Pontiff can supply the fruit of many sacrifices through the dispensation of the merits of Christ, which are in the treasure of the Church. For this, it must be assumed as certain that there is in the Church a treasure in which are hidden the merits and satisfactions of Christ, as the common theologians teach," citing many after St. Thomas, Suppl., q. 25, a. 1, "and

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it is taken from Clement VI in the extra [ordinary bull] Unigenitum, de poenit. et remis, ibid.: that very treasure, not laid up in a shroud, not hidden in a field, but through Blessed Peter, the keeper of the keys of heaven, and his successors, his vicars on earth, is to be healthfully dispensed to the faithful. Hence the reason is derived: The fruit of the sacrifice consists in propitiation, intercession, and satisfaction, as is clear from the Council of Trent, session XXII, canon 3, de sacr. Missae. Again, the sacrifice does not cause these effects or fruits, unless it applies the power and fruit of the Sacrifice of the Cross, as is taken from the same Council, session XXII, chapter 1, de sacr. Missae. Therefore, since the fruit of the Mass sacrifice consists in the application of the power of the Sacrifice of the Cross, and the Supreme Pontiff can apply this power, provided it is deposited in the treasure of the Church, since it is founded on the merits and satisfactions of Christ, and he himself is the dispenser of that treasure, he can, through the application of the power of the Sacrifice of the Cross, supply the fruit of many sacrifices." With this doctrine established, namely that, after the Reverend Fathers have applied the treasure of the Church, the fruit of the Mass sacrifice is supplied, it follows that, after such application has been made, those who were previously obligated to celebrate certain Masses are relieved of that obligation, provided that the Masses were not instituted for the convenience of the people, or for the worship of the Church, or for some similar purpose, so that, what is primarily intended is not the fruit of the sacrifice, but the very act of celebrating, which cannot be supplied. Indeed, unless this hypothesis is excluded, since those who give alms intend only the fruit of the sacrifice, while the Pontiff supplies the fruit of the Masses from the treasure of the Church, those who commend Masses receive the same fruit as if all the commended Masses were celebrated. "Therefore, they suffer no prejudice, and the one who is obligated to celebrate is considered to have fulfilled all that for which he obligated himself in favor of those who commend Masses, just as if one who was obligated to pay ten gold pieces, paid one coin that was equivalent to ten gold pieces" (Paschaligo, l.c., q. 1152). Therefore, the effect of the absolution or remission of Masses can be considered in two ways, one immediate, in supplying, through the application of the power...

[*Latin ed. p. 19*]

The Sacred Congregation of the Council of Trent, concerning the certain fruits of the Sacrifice of the Cross, which are especially safeguarded and contained within the treasure of the Church, discusses the fruits of commended Masses; one is immediate (which is indeed obtained through the preceding one), in relieving the priest burdened by a further obligation of conscience for Masses not yet celebrated. However, it is evident that this second, mediate effect cannot be obtained if the priest burdened is already deceased, when the question of absolution is being considered; for then the

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just judgment of God is complete with him, and his soul cannot be aided except through the means of suffrage: and in this sense, the Apostolic See has frequently responded to petitions of this kind with the words: "Let us pray for the deceased." Nevertheless, the second effect, or immediate one, for this very reason because it does not depend on the other, but rather the other depends on it, still seems to be attainable, and should not be scorned, since it is indeed of great importance, lest the pious intentions of the offerers, whether for the benefit of the living or for the suffrage of the dead, be defrauded. Therefore, the Consultor states, under what condition can the Reverend Father, as the sole dispenser of the treasure of the Church, release these fruits so that, in urgent necessity, they may be supplied to those who have commended Masses, even without the actual celebration of the Masses? Regarding this matter, it is noted that this grace of remission, provided by the Holiness of the Church from the treasure of the Church, is in general a matter of indulgences, with this one difference, that in indulgences only the satisfactions of Christ and the Saints are applied, by whose power the temporal punishment of sin is remitted, while in the remission of Masses, the very power of the Sacrifice of the Cross is applied, along with the fruits that follow from it (as far as they are applicable to men and according to the measure of divine acceptance), and thus the fruits that would be obtained from the actual celebration of the Masses are supplied. However, this difference does not prevent, according to the Consultor, the grace of remission from being subject to the same conditions under which indulgences are granted; these conditions, as St. Thomas teaches, are: "it must be said that indulgences are only valid to the extent that they are proclaimed, provided that there is authority on the part of the giver, charity on the part of the recipient, and piety on the part of the cause" (Supp., q. XXV, art. 2). The common doctrine is that piety, on the part of the cause, indicates that there must be, on the part of the one to whom the concession is made, some satisfaction, or good work or meritorious act, to which the merit of the satisfactions of Christ and the Saints can be applied: hence, the concession of indulgences is not ordinarily granted unless some pious work is performed, and even in the indulgences that are sometimes granted to the dying, at least the good works that the dying person performed in life are considered. This also, the Consultor believes, must be the case, so that the grace of remission of Masses may have its place.

[*Latin ed. p. 20*]

The Acts of the Apostolic See – an official commentary – state that it is considered necessary, as a prerequisite condition, that a certain good work be performed or undertaken by a Christian, to which the merits and satisfactions of Christ, which are available in the treasury of the Church and applicable to individuals, can be applied, so that the fruits of omitted Sacraments can be obtained in equal measure. This good work, as is evident

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from what has been said, is, like in other forms of indulgences, merely a motivating cause, not an effective one, and therefore does not require a proportion commensurate with the effect of the remission: as the Angelic Doctor teaches: "For the cause of remission is not effective either the devotion, labor, or gift of the one receiving the indulgence, nor the cause for which the indulgence is granted; therefore, it is not necessary to proportion the quantity of remission to any of these, but to the merits of the Church, which are always abundant" (Suppl., q. 25, art. 2 in corp.). And furthermore: "The motivating cause is not required for the remission of the penalty to be measured according to it, but for the intention of those whose merits are communicated to reach this" (Suppl., q. 25, art. 2, ad 5). Therefore, according to the Consultor, the good work that is necessarily required to be performed, as a motivating cause for the requested remission, can consist of even a single Mass, whatever the number of Masses to be fulfilled, through the communication of the power of the Sacrifice of the Cross, which is in the treasury of the Church, the brokenness of this Mass will increase, so that it reaches the value of several that were neglected. Thus far, the opinion of the Consultor. By way of information, the practice of the Sacred Congregation, as it was collected after Lucidi, *De Visit. Ss. Liminum*, vol. II, § VIII, art. 5, n. 80 ss., also states that the Sacred Congregation, even if the Supreme Pontiff has granted the faculty in this matter, has adopted certain norms for the examination of requested dispensations from Masses, which the same author, Lucidi, includes: "The dispensation for past omissions should grant remission and condonation in preference to fulfilling what is due by law. Indeed, such an indulgence is forbidden by the decrees concerning the celebration of Masses, § 25, unless for a reasonable cause or out of due consideration. Moreover, if anyone, with a malicious or unreasonable hope of obtaining this kind of dispensation, dares to omit the celebration of Masses, it is expressly declared in the same decrees that, in this case, grace will not at all help, and such hope, being unreasonable and illicit, is condemned and rejected. Therefore, the Sacred Congregation used to grant dispensation for past omissions only when it was clearly evident that the Masses had not been celebrated without fault, nor was there any other sufficient reason."

[*Latin ed. p. 21*]

Sacred Congregation of the Council, §21, "so that what has been omitted may be made up for...; for good faith has always held great weight, so that the absolution of Masses may be granted by the Sacred Congregation. Otherwise, the Sacred Congregation acts differently whenever it appears that the revenues are sufficient to sustain the expenses, and therefore, in this case, it prescribes that the omissions be made up as soon as possible. When the Sacred Congregation grants absolution, it always imposes some form of penance, and especially the celebration of a certain number

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of Masses." From these things, it is gathered that the injunction issued by the Sacred Congregation in granting these absolutions is rather of the nature of penance, than in the same sense in which a good work is usually required from the one receiving an indulgence. Indeed, according to Benedict XIV, *de syn. dioec*, book 1, chapter 13, section 15, the very Apostolic See seems to have taken up this cause as one of piety, when it "ordered that a suitable number of Masses be celebrated daily by certain chaplains devoted to this ministry in the Vatican Basilica, for the sake of the souls for whom the Sacrifices should have been offered." To this argument, another can be added, which is provided by the excellent Constitution of Our Holy Father Benedict XV, *Incruentum Altaris*, dated August 10, 1915, in which it is ordered that one of the three Masses that all priests are permitted to celebrate on the solemn day commemorating the Dead should be reserved "according to the will of the Supreme Pontiff, which we have declared sufficiently and abundantly," namely, "so that, as far as it is in us, we may make up for the omissions, which cause great detriment to the souls of the departed." Cf. *Acta Apostolicae Sedis*, 1915, p. 403. Furthermore, during the plenary meetings of the Eminent Fathers of the Sacred Congregation on November 20, 1915, after the aforementioned observations had been made, the proposed prayers of Bishop H. regarding this matter were considered by the Eminent Fathers, who decided: "The Sacred Congregation, having heard the explanations, benignly grants the Bishop the faculty of granting the requested remission; nevertheless, the same Bishop must ensure that at least one Mass be celebrated for the satisfaction of the obligations which the deceased parish priest neglected, with the remainder being supplemented by His Holiness from the treasury of the Church." This resolution was approved by His Holiness, Pope Benedict XV, in an audience granted to the undersigned Secretary on the 22nd of the same month and year.

RESOLUTION. O. GIORGI, Secretary.

[*Latin ed. p. 22*]

Acts of the Apostolic See - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. LETTER FROM MSGR. GUIDO MARIA CONFORTI, BISHOP OF PARMA, CONCERNING A PROPOSED MISSIONARY UNION AMONG THE CLERGY.

Most Illustrious and Reverend Sir,

I have not failed to give careful consideration to the plan presented by Your Reverence for a Missionary Union of the clergy. The increasing needs of the Missions, the special circumstances of the times, and the grave damages that the war, which afflicts Europe, inflicts upon the Church's evangelizing work, keenly desire a more extensive development of the means to propagate the faith throughout the world. For this purpose, nothing can better contribute than the zealous activity of the clergy in fostering vocations to the apostolate, in enlightening the faithful regarding the necessity

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of assisting the missions, and in better organizing the works already approved and recommended by the Supreme Pontiffs for this very purpose.

Therefore, I am pleased to see the initiative that Your Reverence has taken, with this holy intention, to establish a Missionary Union of the clergy, and I have taken the precaution of presenting the project to the Holy Father.

His Holiness, in the audience of October 23rd, deigned to express his high approval of this opportune proposal, which is aimed at promoting the work of the apostolate, which is so dear to Him, and He hopes that, with the help of God and the favor of the Bishops, it may find widespread acceptance among the clergy and the faithful of Italy.

In informing Your Reverence of this, I also wish to convey that His Holiness paternally blesses Your Reverence and all the promoters and adherents of this pious proposal. I also pray that the Lord may preserve Your Reverence prosperously.

Rome, October 31, 1916.

Your Reverence's Devoted Servant,

† D. CARD. SERAFINI, Prefect.

L. © S. O. Laurenti, Secretary.

[*Latin ed. p. 23*]

The Holy Congregation of Propaganda Fide, §3, II, bears the following designation: By a brief apostolic letter, it was named on November 20, 1916. — The Apostolic Vicar of Eastern Ho-nan, Joseph Noe Tacconi, Bishop in title of Aradus.

SACRED CONGREGATION OF RITES

A QUESTION REGARDING THE CELEBRATION OF THE FEAST OF THE DEDICATION OF THE BLESSED VIRGIN MARY, WHETHER IT SHOULD TAKE PRECEDENCE OVER A MINOR SUNDAY, EITHER WHEN IT OCCURS OR CONCURS WITH THE FEAST OF DEDICATION.

Certain calendar compilers, with the consent of their respective ordinaries, have reverently presented the following question to the Sacred Congregation of Rites for a suitable solution: In the additions and variations in the rubrics of the Breviary, according to the norm of the Bull *Divino afflatu*, the Feast of the Dedication of any church is always primary, and the Feast of the Lord (title IX, 1), and concerning the minor Sundays, or those throughout the year, the office should always be performed, unless some feast of the first or second class, or any feast of the nine lessons, occurs or concurs (title IV, 2; title VI, 2). Therefore, the question is asked: Whether also the Feast of the Dedication of the Blessed Virgin Mary, under the title of the Snows, which is a feast of the higher order, should also take

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precedence over a minor Sunday, both when it occurs and when it concurs?

And the Sacred Congregation of Rites, having heard the opinion of a special commission, and considering that, in this case, the Office is performed under the aforementioned title, [it answers].

[*Latin ed. p. 24*]

Acts of the Apostolic See - Official Commentary, December 24th, the Feast of the Virgin Mary, Mother of God, patronal feast of the Basilica of Saint Liberius, concerning the matter of dedicating the aforementioned Basilica, it was decided: Negative. And thus it was written and declared. December 1, 1916. His Eminence, Cardinal Vico, Bishop of Portua and Saint Rufina, Most Reverend Prefect. L. S. Alexander Verde, Secretary. II. TURIN. DECREE CONCERNING THE BEATIFICATION OF COTTOLENGO, THE SMALL ONE, AND THE CANONIZATION OF THE VENERABLE SERVANT OF GOD, JOSEPH BENEDICT COTTOLENGO, FOUNDER OF THE INSTITUTE OF DIVINE PROVIDENCE. REGARDING THE DOUBT: Whether, with the approval of virtues and two miracles, it is possible to proceed to the solemn beatification of the aforementioned Venerable Servant of God. In order that the juridical investigation concerning the beatification of the Venerable Servant of God, Joseph Benedict Cottolengo, might be completed, it was necessary that more than thirty or forty, but rather fifty and more years pass. Although, indeed, from the year 1863, an ordinary investigation was initiated in the ecclesiastical court of Turin concerning the sanctity of life, the virtues, and the miracles of the aforementioned Servant of God, and fourteen years later, in the year 1877, the Most Holy Pope Pius IX designated a Commission for this cause, nevertheless, lesser doubts, as they are called, were not resolved until the year 1896, when access was granted to the examination concerning heroic virtues. From both the apostolic and ordinary processes, which are very copious and abundant, filling twenty-one volumes of considerable size, abundant and suitable proofs were then presented, by which it became clear and evident that the Venerable Joseph Benedict Cottolengo possessed heroic virtues, as will be demonstrated according to the authority of the Apostolic See, in Weringhof, and on the Piano.

[*Latin ed. p. 25*]

The Holy Congregation of Rites, on the 25th of its month, happily received the decree of Pope Leo XIII, published in the year 1901. Another question then arose, concerning miracles, which, due to various circumstances, had occupied the diligent curators of the cause with much concern and labor for a decade and more, until, after a long and fervent expectation, it finally reached its conclusion, when, scarcely a few months ago, our Most Holy Pope Benedict XV deigned to decree: That two proposed miracles are to be considered proven; namely, the first, "of the in-

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stantaneous and perfect healing of Mary Liberata from a very grave cystitis, contracted from a lethal infection through absorbed urinary elements"; and the second, "of the instantaneous and perfect healing of Sister Mary Perdolenta from biliary cirrhosis." Thus far, the series of events has been faithfully described and recounted, as the events themselves were certainly recorded in a precise order, distinctly and separately, and is a clear and significant document, which demonstrates that, in the case in question, everything was scrupulously observed, as required by the laws established in this Holy Office, in order to obtain the formal recognition necessary for the beatification of the Venerable Servants of God. Therefore, nothing else, as mentioned in the preceding paragraph, can impede the deserved and safe bestowal of the honors of blessedness upon the Venerable Servant of God, Joseph Benedict Cottolengo. It is therefore fitting to indicate how beneficial it would be for the Christian people if the Venerable Servant of God, Joseph Benedict Cottolengo, were presented as an example to be imitated, by the solemn judgment of the Apostolic See. Therefore, it is not surprising that, in the general assemblies of this Holy Congregation, which were held on the twenty-eighth day of the preceding month of November, in the presence of our Most Holy Pope Benedict XV, the question was proposed by the Most Reverend Cardinal Anthony Vico, Bishop of Porto and Santa Rufina, the Relator of the cause: "Whether, with the approval of the virtues and two miracles, it is safe to proceed to the solemn beatification of the Venerable Servant of God, Joseph Benedict Cottolengo?" and that all those present, both the Most Reverend Cardinals and the Consultor Fathers, judged that the answer should be affirmative. However, our Most Holy Pope, while considering matters of the highest importance, deemed it prudent to postpone his judgment, seeking more extensively the guidance and light of divine wisdom.

[*Latin ed. p. 26*]

Acts of the Apostolic See – Official Commentary. Indeed, having performed these duties, on this day, the second Sunday of Advent, after devoutly celebrating the eucharistic sacrifice, the Most Reverend Cardinal Anthony Vico, Bishop of Portua and St. Rufina, Pro-Prefect of the Congregation for Sacred Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, the undersigned Secretary, and with others present, solemnly declared: That it is permissible to proceed to the solemn beatification of the venerable Servant of God, Joseph Benedict Gottolengo. Furthermore, this decree was ordered to be published, to be entered into the records of the Sacred Congregation for Sacred Rites, and that apostolic letters, in the form of a brief concerning the solemnity of beatification, should be issued, to be read in the Vatican Basilica, as soon as it is possible, on the tenth of December in the year 1916.

A. CARD. VICO, BISHOP OF PORTUA AND ST. RUFINA, Pro-Prefect.

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S. ALEXANDER VERDE, Secretary.

III. DECREE OF BEATIFICATION OF GARICOITS, PRIEST OF THE MOST HOLY HEART OF JESUS, AND FOUNDER OF THE CONGREGATION OF THE SERVANTS OF GOD, "OF BÉTHARRAM," IN THE DIOCESE OF BAYONNE.

ON THE QUESTION: Does it appear that the theological virtues of faith, hope, and charity in God and in neighbor, and also the cardinal virtues of prudence, justice, fortitude, and temperance, together with those virtues which are attached to them, were present in a heroic degree, in the case and in the effect, of whom we are speaking?

The Bishop of Bayonne, in whose diocese the venerable Servant of God, Michael Garigoits, was born, lived, and died, and where his sacred remains are kept, in a letter which he sent to the Roman Pontiff, in order to provide information, among other things, he deemed it fitting to write the following about the aforementioned Servant of God: "He taught innocence from childhood and a love of prayer; as a servant, he showed all the obedience that pleases superiors; as a student, he displayed equal zeal in the acquisition of piety and knowledge; as a curate, he showed respect for his superiors and the elderly, as well as prudence combined with zeal in caring for souls; as a professor and prefect in seminaries, he demonstrated the highest art of educating young clerics."

[*Latin ed. p. 27*]

The Holy Congregation of Rites, in its concern for sound doctrine and all good works, serves as a guide of consciences, discerning the manifold wisdom of the Holy Spirit; and, finally, in establishing and forming its Institute, it has truly employed heavenly wisdom to build the evangelical tower upon a firm foundation, and possesses the qualities of a good shepherd, who goes before the sheep and daily lays down his life for them (Summary, above the introduction to the cause, page 24). Indeed, a concise account of the entire life of the Servant of God, with a faithful and explicit image of him before one's eyes; and these are not merely the writer's opinion, but have been found to conform to the truth, supported by proofs which, collected through both apostolic and ordinary inquiries, were duly presented for judgment. After a diligent investigation of the entire life of the Servant of God, and with the greatest attention to the manner in which he performed all the duties and offices that were proper to his condition, taking into account the particular circumstances of time, place, and persons, in which the Servant of God lived and worked; it was permissible to gather sufficient arguments from these things, by which a prudent and just judge could be persuaded that the Christian virtues exercised by the Servant of God were not common or ordinary, but, especially considering the disposition of his mind, which impelled him to act perfectly, he attained that degree which is called heroic. With this established and legitimately

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demonstrated, if any difficulties were raised against it, they necessarily lost their force, thereby making the demonstration even more convincing, as shown and demonstrated by the solution that put an end to the long-standing debate about his writings. In fact, the nature of these writings was such that it was not possible to question the goodness of the Servant of God's doctrine, but rather, from what is evident about his actions, considerable praise should be given to him. For while all things were reminiscent of the Gallican and Jansenistic controversies, to which the Lametine errors, recently condemned by the Blessed Pope Gregory XVI, had clung, the Servant of God, despite being surrounded by this corrupt atmosphere, was not infected by it, but, as far as was possible, he combated it, gradually purifying the atmosphere around him, working diligently and fruitfully. Therefore, he deserved the praise that we find expressed so vividly by St. Gregory in his Morals: "For it is not very commendable to be good with the good, but to be good with the wicked." For it is of a greater fault to be good among the good.

[*Latin ed. p. 28*]

Acts of the Apostolic See - Official Commentary. The twenty-eighth of November, so great was the clamor, that even among the wicked, there was something good (Book 1, Chapter 1). Given these circumstances, it is fitting to congratulate the cause of the Beatification of the Servant of God, Michael Garicoits, Founder of the Congregation of Priests of the Most Sacred Heart of Jesus, as having reached a stage worthy of consideration, which was entrusted by the Most Holy Pope Leo XIII to the Congregation of Sacred Rites for examination, and which, once introduced, has proceeded with alacrity and success, so that, within two years, it has been possible to initiate proceedings concerning his heroic virtues. Regarding this, as is customary and wise, there have been three discussions: first, in the preparatory Congregation, second, in the preparatory Congregation, and third, finally, in the general Congregation, on the twenty-eighth day of the month of November, before the Most Holy Lord, our Pope Benedict XV, assembled. In this, the Most Reverend Cardinal Ludovic Billot, Relator of the cause, proposed the following question for discussion: Does it appear that the Servant of God, Michael Garicoits, possessed in a heroic degree, in every circumstance and in effect, the theological virtues of faith, hope, and charity in God and in his neighbor, as well as the cardinal virtues of prudence, justice, fortitude, and temperance, and the virtues associated with them? The Most Reverend Cardinals and Consultors, each in turn, gave their votes, which the Most Holy Pope, with a joyful and attentive spirit, received, but refrained from revealing his opinion, considering that, in such a serious matter, it was necessary to grant himself time for prolonged prayer. Today, on the second Sunday of Advent, after a sacred and most devout ceremony, he ordered the Most Reverend Cardinals Anthony Vico, Bishop of Portua and St. Rufina, Pro-

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Prefect of the Sacred Rites Congregation, and Ludovic Billot, Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, together with the undersigned Secretary, to be summoned, and solemnly declared: It appears that the Servant of God, Michael Garicoits, possessed in a heroic degree, in every circumstance and in effect, the theological virtues of faith, hope, and charity in God and in his neighbor, as well as the cardinal virtues of prudence, justice, fortitude, and temperance, and the virtues associated with them. He ordered that this Decree be made public and recorded in the acts of the Sacred Rites Congregation on the fourth day before the Kalends of December, in the year 1916.

A. CARD. VICO, BISHOP OF PORTUA AND ST. RUFINA, SECRETARY OF SACRED RITES.

L. S. ALEXANDER VERDE, SECRETARY.

[*Latin ed. p. 29*]

The Most Holy Congregation of Rites, April 29, in Paris. Decree concerning the introduction of the cause for beatification and canonization of the Servant of God, Mary Magdalene de Bengy, Viscountess of Bonnault d'Houet, foundress of the Society of the Faithful Sisters of Jesus. Among the many causes of Servants of God being considered by the Sacred Congregation of Rites, this cause of the Servant of God, Mary Magdalene de Bengy, Viscountess of Bonnault d'Houet, foundress of the Society of the Faithful Sisters of Jesus, does not occupy the least place. In the ordinary informative processes transmitted to the same Holy Congregation, this most excellent woman is shown to be distinguished not only by her noble lineage but also by the splendor of her virtues. Having set aside honors, riches, and the delights of the world, she consecrated herself and her energies to God, at the same time diligently dedicating herself to the proper instruction of girls of any order. In the city of Châteauroux, on September 21, 1781, she was born to pious and virtuous parents and, at the temple of Saint Martial, Bishop of Limoges and Apostle of Aquitaine, she was regenerated in the sacred font, receiving the name Mary Magdalene Victoria, and was offered to the Virgin Mother, and entrusted to her protection, like a sweet-smelling flower of youth, innocence, and grace. As the child grew, although of a lively disposition, she nevertheless won the love of her relatives and those who observed her through a certain premature modesty and piety, and for decades she was nourished with the sacred food of the Body of Christ. As the most sorrowful times arose, which were overturning the affairs of the realm in France, she frequently sought refuge in the house of prayer, diligently striving to appease and please God through fervent prayer and holy works. With the restoration of peace and the tranquility of the Catholic

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Church and of civil society, Mary Magdalene, encouraged and urged on by her father, entered into marriage with the noble man, Viscount of Bonnault d'Houet, whom God took from her after ten months through premature death. Nevertheless, from that marriage, the handmaid of God bore a son, whom she herself educated and instructed in his early years, and she barely managed to entrust him to the care of the Fathers of the Society of Jesus. In her time of widowhood, having been salutarily admonished by Pauline teachings, she received into her home the poor, the sick, soldiers infected with contagion, and even priests, showing forth appropriate acts of piety and charity.

[*Latin ed. p. 30*]

30 Acta Apostolicae Sedis - Commentariorum Officialium eius sequuntur. Ad initium novarum nuptiarum, se aliquantulum delectatam et inclinatam ostendit, sed statim, obtemperans consiliis fidelissimis et amantissimis, statuit viduitatis propositum et statum religiose servare. Immo, perfectionis viam alacriter ingressa, in ea valde progrediit sub directione patrum Societatis Iesu, quorum Institutum summopere diligebat ob praestitum in ipso finem, cum idoneis mediis ad maiorem Dei gloriam et ad animarum salutem provehendam. Anno autem 1817, superno lumine et impulsu se excitari dixit ad instituendam Familiam Sororum fidelium sociarum Iesu. Diu et severe a suis moderatoribus ad hoc probata, tandem, eorum assensu et exhortatione, anno 1820, opus toto animo cogitatum exsecutioni demandavit. Namque, favente Episcopo Ambianensi, primam domum fundavit in Ambiano cum duabus adolescentibus ad pauperes puellas maternis curis sublevandas, et, aucto sociarum numero, tum in suo natali oppido, tum in civitate Nannetensi, similes fundationes constituit. Interea, Ambianum reversa, ut matrem suam morientem reviseret, cum aedem, Instituti cunabula, turbatam inveniret ob quasdam difficultates exortas, de ipsius Episcopi consilio Romam petiit, et Summo Pontifici Leoni XII originem et statum Societatis submisse et fideliter retulit, ipsiusque Societatis approbationem enixis precibus imploravit. Benigne excepta et voti compos effecta, a Romano Pontifice Litteras Apostolicas in forma Brevis sub die 7 augusti anni 1826, decretum laudis, cum laeto et grato animo obtinuit. Sic recreata et firmior in proposito, suum Institutum totis viribus corroborare et propagare suscepit. Undecim post annos, idest anno 1837, eadem Dei famula Romam rediit, et a Gregorio Papa XVI, definitivam Societatis approbationem assequuta fuit. Cum ex alma Urbe Ambianum revenisset, unanimi sororum suffragio, antistita generalis Societatis, etsi reluctans, electa et confirmata est. Quod officium rite adimplens, difficilia et diuturna itinera sustinuit, atque, obstaculis et contradictionibus viriliter superatis, novas domos etiam in regionibus dissitis, praesertim in Anglia, feliciter aperuit, iugiter intenta fini Societati proposito: nempe, puellarum institutioni, instructionibus, missionibus, ceterisque operibus, quae alum-

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nas et sorores reapse efficerent et demonstrarent fideles socias Iesu. Tandem, mense Martio anni 1858, cum ad annum aetatis septimum et septuagesimum pervenisset, et morbi, quibus iampridem afflicta erat, ingravescerent, sentiens se ad vitae exitum appropinquare, sorores convocavit, easque ad patientiae, caritatis et regularum observantiae studium exhortata est. Ipsa autem Ecclesiae sacramentis refecta et in extremis redacta, sanctissimo Nomine Iesu invocato, spiritum Deo reddidit Parisiis, in domo Societatis, die quinta Aprilis eodem anno 1858. Interim.

[*Latin ed. p. 31*]

The Holy Congregation of Rites, because of the renowned sanctity which the Handmaid of God had acquired in life, which, after her death, grew more and more each day, ordered that information be gathered concerning her through the Ordinary Inquisitions; after these were completed and transmitted to the Sacred Congregation of Rites, and after observing the proper order of law, a decision was made to establish a Commission for the Introduction of the Cause. Therefore, at the urgent request of Joseph Anthony, General Procurator of the Order of the Friars Minor Capuchin, and Postulator of this Cause, and after a review of the writings attributed to the aforementioned Handmaid of God, in which nothing hindered proceeding further, and after considering the petitions of certain Eminences, Cardinals of the Holy Roman Church, and of many Reverend Prelates, as well as Chapters, Orders, and Congregations of religious men and women, and after also requesting the opinions of men distinguished by ecclesiastical or civil dignity, the Eminent and Reverend Lord Cardinal Aidan Gasquet, Promoter of this Cause, at a meeting of the Ordinary Congregation of the Sacred Rites, held on the designated day at the Vatican, proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be established, in this case and for this purpose? And the Eminent and Reverend Fathers entrusted with the safeguarding of the sacred rites, after hearing the report of the aforementioned Promoter, and after hearing the voice and the written opinion of the Reverend Father Angelo Mariani, Promoter of the Faith, and after all matters had been carefully discussed and considered, decided to respond: Affirmative, that is, that the Commission should be established, if it pleases the Most Holy [Pope]. On December 12, 1916. Subsequently, a report was made to our Most Holy Lord Benedict XV, by the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, and His Holiness, approving the response of the aforementioned Sacred Council, deigned to establish the Commission for the Introduction of the Cause of the Handmaid of God Mary Magdalene of Bengy, Viscountess of Bonnault d'Houet, foundress of the Society of the Faithful Sisters of Jesus, on December 13th of the same year.

A. CARD. Vico, Prefect of the Portuense and Rufinense Churches, Pro-Prefect of the Sacred Congregation of Rites.

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L. S. Alexander Verde, Secretary.

[*Latin ed. p. 32*]

32 Acta, Apostolicae Sedis - Official Commentary

ACTS OF THE SACRED ROMAN ROTA

I PARIS.

CASE REGARDING THE NULLITY OF MARRIAGE (GHANCEREL-PLANDIN)

Under the blessed reign of Pope Benedict XV, in the second year of his pontificate, on the 10th of May, 1916, the Most Reverend Fathers, the Reverend William Sebastiani, Dean, presiding, and the Reverend Seraphinus Many and Aloysius Sincero, Auditors from Tournon, in the Parisian case concerning the nullity of marriage, having heard the appeal presented by the Defender of the Marriage Bond, acting on behalf of the Parisian Curia, between Luciana Chancerel, represented by her legitimate procurator, duly appointed, the Reverend and esteemed lawyer, Felix Qualandri, and Andrew Flandin, who intervened and argued in the case, delivered the following final judgment.

Andrew Flandin, captivated more by Luciana Chancerel's wealth than her beauty, contrived to attract her attention, so that both declared their intention to enter into marriage. However, the fulfillment of military obligations prevented Andrew from celebrating the marriage. After completing these duties in the city of Nancy, Andrew returned to Paris, and, having obtained the consent of his parents, first the betrothal, and then the marriage, were celebrated before the Church on July 31st, 1907.

However, before the marriage, indeed, before the very contract of betrothal, Andrew Flandin declared that he would contract the marriage, absolutely and entirely excluding the possibility of procreation, a condition which Luciana accepted.

Three years after the beginning of the marriage, Andrew, who had already squandered the wife's dowry, definitively abandoned the conjugal home. Therefore, Luciana, having previously obtained a judgment of divorce from the civil authorities, appealed to the Parisian Curia, in order that her marriage with Andrew might be declared null, due to the imposition of the infamous condition concerning procreation.

[*Latin ed. p. 33*]

The Roman Rota has ruled 33 cases. In a proceeding conducted according to the law, on April 12, 1915, a judgment favorable to the plaintiff was ren-

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dered. However, as is customary, an appeal was filed against this judgment by the Reverend Defender of the Bond of Matrimony of Paris. And so, the case is again to be considered under the usual formula of inquiry: Does a nullity of marriage exist in this case? Regarding the law, the Fathers have noted that the essential and primary end of marriage is the procreation of offspring; therefore, a condition imposed on the marriage contract that excludes the procreation of offspring excludes the very substance of marriage, and consequently, the marriage is null. This condition can be added to the marriage in two ways. First, when this condition is included in a pact, that is, when the parties entering into the marriage insert this condition into the contract, so that it is as if it were a part of the marital agreement, and this case is discussed in chapter 10, "On Conditions Added to Betrothal, etc.," where Gregory IX states: "If conditions are inserted that are contrary to the substance of marriage, for example, if one says to the other: 'I will marry you if you avoid procreation,' then the marriage contract, however favorable it may be, lacks effect." Secondly, the condition can be added to the contract without being included in a pact; it is possible for one of the parties intending to marry to make such a proposal that he expressly and positively rejects one of the essential obligations of marriage, in which case, even without a pact, the marriage is null; for marriage cannot exist without its substantial obligations, as has been decided more than once in this Tribunal, as in the case of Nicaea before Many, January 24, 1911, and in the case of Neo-Eboracum before Cattani, March 1, 1913, etc. But it must be carefully distinguished between the marital obligation itself, and the fulfillment of this obligation. It can happen that one of the contracting parties is so disposed in mind that he truly and seriously intends to enter into the marriage and to bind himself, and yet, foreseeing the abuse of marriage, for example, onanism, he has a wicked intention of permitting or even committing this offense, and thus violating his obligations. In this case, the marriage is valid, because the essence of marriage does not depend on its use. This opinion, expressly stated by St. Thomas in *4 Distinctio, 31, quaestio 1, articulus 3*, is followed by many other Canonists, as is evident in the work of the Reverend Gasparri in his comprehensive treatise on marriage, Volume II, page 43, edition of 1904. Therefore, in order for the marriage to be null in this second case, it is necessary that there be an intention that positively and expressly excludes the marital obligation itself, and not merely the fulfillment of this obligation. This intention is recognized, above all, from the circumstances and surrounding events, *ACTA, vol. I, X, n. 1, 10-1-917*.

[*Latin ed. p. 34*]

34 Acta Apostolicae Sedis - The official commentary, with the utmost diligence, considers all that precedes, accompanies, or follows marriage. Now, to the facts. - The Fathers stated that the reasons for Andrew's actions

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must be carefully considered. This man, as the records show, did not truly desire a Christian marriage, because, intending solely to conduct a profitable business, he proposed to remain entirely free from offspring, and he obtained this, so that he would not have to bear obligations arising from the procreation of children! And when he could no longer derive any further benefit from his marital relationship with Luciana, he abandoned her. In truth, Andrew, "who belonged to a 'family with advanced ideas'," was a man whose "religious convictions" were "nonexistent"; his morality was completely independent. Indeed, "his morality is lamentable, very elastic." A few, thus, Andrew Chancerey describes Andrew Flandin: "From a moral point of view... Mr. Flandin is 'a dishonest man, a true scoundrel'," and Leo de Savignon adds: "He is the greatest liar I have encountered in the course of my existence." Furthermore, A. Flandin was "without situation, and without fortune; he had debts, he conducted business through women, he had as a partner the husband of the woman with whom he lived before his marriage." Therefore, when he saw Luciana, who was very wealthy and attractive, he began to court her, in order to profit from her wealth under the pretext of marriage. He did not love her; indeed, the aforementioned Leo de Savignon stated: "He showed his future wife an affection that was not sincere... I know that during the duration of the engagement, Mr. Flandin had a mistress, with whom he resided. He wanted to give his marriage the appearance of a marriage of inclination." But he desired only money, as Luciana herself testified: "He married me for my fortune, and also for that of my mother. This is not a marriage that my husband wanted; he had in the marriage a means of procuring capital." This is confirmed by the witnesses Borsaignot, Vering, and the Reverend Lavec, who is the pastor, and who testified: "In this marriage, Mr. Flandin was guided by a matter of money... Madame Chancere, who believed she was marrying a man who was attached to her, married someone who cared more for her fortune than for her." Since, with these wicked intentions, the procreation of children was an obstacle, Andrew first made the girl fall in love with him, so that she would do as he wished; then, he began to suggest to her the necessity of excluding children: "It is the certainty of this affection that made it possible to make a proposal of this kind. He gave my daughter all sorts of reasons; he told her that she was beautiful, that if she had children, she would become deformed."

[*Latin ed. p. 35*]

The Roman Rota [judges] state that children are a nuisance and compromise the freedom of the "spouses." The deposition of the mother confirms this, as does the testimony of the daughter, Magdalena. In light of these circumstances, the marriage was celebrated. However, the procedural records, after the marriage, increasingly reveal the perverse will and character of Andreas. He began to exploit his wife to the fullest extent,

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and after doing so, abandoned her. "The common life," the wife stated, "lasted five years. For three years, my husband was perfect for me; but during that time, he asked me to sign documents to sell assets. When there were no more assets to sell, he changed his attitude." And the mother: "From the very beginning of the marriage, all of my daughter's fortune was squandered. Then he borrowed money from me, under the pretext of starting industrial ventures. This enterprise was only a pretext for borrowing... Money was his dominant thought in the entire matter of his marriage. Everyone saw it and knew it." Therefore, Leo de Savignon testified: "Mr. Flandin left the marital home on the day he no longer had any interest in staying there. He took advantage of the marriage to borrow large sums of money from his mother-in-law; he ruined her almost completely; he consumed entirely his wife's dowry." After the husband's departure, both the wife and her family tried everything to persuade Andreas to restore the marital life, but in vain. Father Lavec testified: "The young woman did everything she could to bring her husband back to live with her. He did not even respond." Therefore, we have here a man who was not raised in the faith, burdened with debt, who was already living a luxurious life from the beginning of the engagement, and who immediately began to squander his wife's fortune after the marriage. This fortune was completely consumed, without any reason, and despite the pleas of his wife and her family, he abandoned the marital home. Truly, it cannot be said that this man seriously intended to enter into marriage. Therefore, if he wanted to exclude the possibility of children and led his wife to believe this, it can be concluded that it was not merely a matter of business or of taking advantage of marriage, but of a positive and expressed will not to obligate himself to assume the obligations of marriage, namely, the procreation of children, because this was contrary to the licentious life he wished to lead. Secondly, we must consider what the husband said and did before and after the marriage regarding his intention to exclude procreation. Before the marriage, the wife's mother knew nothing of this wicked plan, because prudently, so that she would not be displeased, the daughter did not speak to her about this matter. But regarding the same plan, the spouses—

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis - Commentarium Officiale, testificantur ante nuptias, tum Renatus, frater Lucianae, tum soror Magdalena. Renatus dixit: "Mihi, paulisper ante matrimonium, per 'ipsam confessionem domini Flandin, notum est quod sponsi intentionem non habebant liberos generare." Et Magdalena, quae quotidie cum sponsis versabatur, testatur se audivisse persuasiones, quibus sponsus usus est ad sensim, sine sensu et subdolo modo, sponsam inducendum, ut prolem excluderet. Hae rationes supra indicatae sunt, deinde sequitur: "Et saepe reveniebat ad suas considerationes usque ad diem, quo 'soror mea et ille, ambos, decreverunt

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se liberos non generare...' Et postea, audivi futuros loqui de futuro cum certitudine 'se liberos non generare'." Testes etiam extra familiam hoc testificantur. Ita Isabella Vering, institutrix Lucianae, ad 7: "Cognovi per alumam meam 'quod sponsus eius et illa decreverunt se liberos non generare. Illi dicebam risu 'quod ego educationem filiorum eorum faciam, sicut ego educationem eius feci.' Illa mihi respondit: 'Desiste, nos liberos non habemus...'. Hoc mihi dixit ante matrimonium." Verbis plene congruunt facta. Iam enim ante matrimonium sponsi domum locaverunt per novem annos; et quamvis esset satis ampla, nullum cubiculum pro infantibus paraverunt. Unde G. De Savignon fateratur "quod coniugi non vitam suam sicut coniugi, qui liberos habere volunt, constituerunt. Credo 'quod locatio et apparatus domus in via Villebois Marcuil facti sunt ante matrimonium, et hoc etiam mihi dat ad cogitandum 'quod coniugi ante matrimonium conveniebant se liberos non generare." Eadem habet Magdalena Ghancerel, addens: "Postea 'fecerunt consilia de excursu nocturno, de ictu theatri, de exercitatione corporis, consilia quae incompatibilia sunt cum adventu liberi." Nec satis; mater enim sponsae haec habet: "Eis (sponsis) proposui 'alia mobilia in meo horreum posita: inter haec mobilia erat unum culleum; ei, quoquo modo, hoc culleum recusarunt. Hoc eis primum proposui ante matrimonium; cum illis primum recusatum est, putavi 'quod se non voluerunt oneri esse, et 'quod hoc posterius accipiatur. Cum eis de hoc iterum locuta sum, simul cum veste baptismali, et parvis rebus puerilibus, quae eis utiles esse poterant, dixerunt mihi 'quod ea non volebant, 'quod ea numquam indigerent, et 'quod haec res essent pro meis aliis filiis, 'cum ipsi, suo tempore, mariti essent." Haec itaque verba, et facta recensita, simul juncta, satis clare ostendunt sponsos ante coniugium intentionem et propositum habuisse filios non generandi.

[*Latin ed. p. 37*]

In Rome, shortly after the marriage of Andrew and Luciana, they repeatedly and openly declared their intention, and steadfastly maintained it. Thus, Leo de Savignon states: "I heard them say several times, shortly after the marriage, that they did not want to have children; this was known among their acquaintances." Indeed, Mr. Flandin "boasted of not wanting children, and of having converted his fiancée to his ideas." The mother of the bride stated: "Very shortly after the marriage, I learned that the spouses had agreed not to have children. They themselves confessed this agreement to me when I asked them if they had any hopes. Both of them spoke in the same vein. My son-in-law spoke of it cynically, boasting of not having children." And Madame de la Darre, in a letter dated the 7th, states: "After the marriage, I cannot say exactly when, I heard Miss Ghancerel, who had become Madame de Flandin, say that she would not have children, because her husband did not want them, and this was something that had been

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agreed upon between them before the marriage." The same is confirmed by Andrew, the brother of the actress, and Madame Bersaignet, who adds that she herself had tried in vain to contradict the intentions of the couple: "In conversations, when I said that the purpose of marriage was to have children, both of them (the spouses) would reply: 'We do not want any.'" Thus, they openly embraced the infamous Malthusian theory, as is evident from the statement of Victorine Voisin, in a letter dated the 7th: "I was, after the marriage, in the service of the young couple. After a year, exercising the right that I had with respect to Madame Flandin, whom I had raised, I asked her, and I asked her husband, when we would have to take care of children, who would bring joy into the household. They both replied to me: 'Victorine, leave us in peace with that!' This reply was given to me on several occasions. One day, when there were guests at dinner, the person serving at the table returned to the kitchen and said to me: 'Victorine, you want to have children in this house; Monsieur has just declared at the table that there will never be any.' Saying this, he looked fixedly at his wife, and she, in turn, declared that she would never have children." Moreover, Andrew vehemently rebuked those who did not embrace this very theory. The mother of Luciana recounts: "When they learned of the birth of children in young families, they expressed their astonishment to see their friends impose such a burden upon themselves. In one instance, regarding the birth of a child, it was said that the father had not been pleased with this event."

[*Latin ed. p. 38*]

38 Acta Apostolicae Sedis - Commentarium Officiale « birth; my son-in-law exclaimed: "He is a fool! When one does not "want to have children, one does not have them. We, "for our part, will never find ourselves in such a situation." My son-in-law boasted of taking "all the necessary precautions to avoid having children." It is therefore clear from the words and actions of the betrothed that the intention not to have children was not only on the part of the groom, which in itself would be sufficient to declare the marriage null, but also on the part of the bride, and was firm and unwavering, which shows that they seriously did not want to enter into a true marriage with all its obligations and burdens. This, thirdly, becomes even more evident if one considers that the betrothed had brought this wicked intention into a pact. Indeed, the bride said: "Mr. Flandin "absolutely did not want to have children, he informed me "formally of this resolution, he did not deceive me. I believe that, "if I had expressed the contrary resolution, he would have "withdrawn." Let it not be said that the actress doubted for some time the true and proper meaning of what was said, for in response to question 11: "Was this a condition sine qua non?" she replied: "I just said that he would have withdrawn if he had "found me with a contrary resolution." Nor should it be said that, with the diligent assistance of the defender

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of the bond ex officio, Luciana asserted this as if led by the questions of the judge's instructor. For it is well known that questions in a judicial inquiry must be asked according to what is set forth in the introductory document of the case. But Luciana, in her brief statement, says: "Very fond of him (Andrew), I consented, "in view of this marriage, to conditions that my conscience "reproaches me and that only intense love could have made "me accept at that time." Therefore, it is right for the judges to ask the actress the questions posed in the Summary under nos. 10-11-12 and 13. Almost all the witnesses testify about the same pact and condition. Thus, the mother of the actress: "Mr. Flandin clearly informed my daughter that if she "wanted children, she would have to renounce him:... he certainly "made it a condition of her marriage. My daughter accepted this "condition without realizing its gravity. I am sure that there was "a pact between them on this subject." And the sister Magdalena: "I believe that Mr. Flandin was absolutely "determined on this condition; my sister had no difficulty. The "proposal of Mr. Flandin was accepted immediately." Likewise, Andrew Chancerei: "I have already said that Mr. Flandin made a condition "sine qua non of the marriage, namely, not to have children; "therefore, there was a true pact between the future spouses on "this point." The same Isabella Vering says: "I believe that on the part of Mr. Flandin the condition "was absolute and that there was an acceptance without reserve "on the part of the young woman."

[*Latin ed. p. 39*]

The Roman Rota, number 39. Finally, after omitting other matters, Leo de Savignon said: "I am absolutely certain that there was indeed a pact, and that it was an absolute condition of the marriage. The pact was proposed by the young man and accepted by the young woman. We often spoke about it together, and I remarked to them on its immorality." Having considered all these things, both in law and in fact, We, the undersigned Auditors of Tournon, sitting as a Tribunal and having only God before our eyes, invoking the name of Christ, decree, declare, and pronounce that in this case, the marriage is null, or, to the proposed question, we answer "Affirmative." Therefore, We command the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to demand the execution of this our definitive sentence, and against those who resist, to proceed according to the Holy Canons, especially chapter 3, session 25, of the Council of Trent, concerning Reforms, employing the executive and coercive means that may prove more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 10th of May, 1916. William Sebastiani, Dean, Presiding. Seraphinus Many. Aloysius Sincero.

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L. S. From the Chancery, June 5th, 1916. Rev. T. Tani, Notary.

[*Latin ed. p. 40*]

40 Concerning the Apostolic See - Official Commentary II.

CAUSES HEARD IN SECRET.

In the Holy City of Romana, from the month of January of the year 1916 to the month of December of the year 1916, the following causes were heard in secret, of which the definitive judgment is published only in part.

I. NULLITY OF MARRIAGE, based on the grounds of impotence on the part of the woman.

Proposed question: Whether it is established that the marriage is null in this case. The Reverend Fathers, D.D., S. Many, Ponens, I. Prior, and A. Sincero, Auditors of Tournon, on the 3rd of February, 1916, judged that the answer should be: Affirmative. An appeal was interposed against this judgment, based on lack of consent.

Proposed question: Whether it is established that the marriage is null in this case. The Reverend Fathers, D.D., S. Many, Ponens, I. Prior, and A. Sincero, Auditors of Tournon, on the 29th of February, 1916, judged that the answer should be: Negative.

II. NULLITY.

III. RESTORATION OF MARRIAGE.

Proposed question: Whether and in what manner there is a place for the restoration of marriage in this case. The Reverend Fathers, D.D., I. Prior, Ponens, A. Sincero, and I. Mori, Auditors of Tournon, on the 4th of April, 1916, judged that the answer should be: To the first part, Negative; to the second part, Provision is made in the first.

Based on the grounds of impotence on the part of the woman.

Proposed question: Whether it is established that the marriage is null in this case. The Reverend Fathers, D.D., I. Prior, Ponens, A. Sincero, and I. Mori, Auditors of Tournon, on the 17th of April, 1916, judged that the answer should be: Affirmative. An appeal was interposed against this judgment.

IV. NULLITY OF MARRIAGE, based on the grounds of impotence on the part of the man.

Proposed question: Whether it is established that the marriage is null in this case. The Reverend Fathers, D.D., I. Prior, Ponens, A. Sincero, and I. Mori, Auditors of Tournon, on the 29th of May, 1916, judged that the answer should be: Affirmative. An appeal was interposed against this judgment.

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V. NULLITY OF MARRIAGE, based on lack of consent on the part of the woman.

Proposed question: Whether it is established that the marriage is null in this case. The Reverend Fathers, D.D., S. Many, Ponens, I. Prior, and A. Sincero, Auditors of Tournon, on the 16th of June, 1916, judged that the answer should be: Negative.

VI. NULLITY OF MARRIAGE.

[*Latin ed. p. 41*]

The Roman Rota, Section VII, concerning DEFAMATION and RESTITUTION, Article 41, DAMAGES. Regarding the proposed question: Whether an injury, defamation, or damage exists, such that there is a basis for reparation and restitution in the case, the Most Reverend Fathers, Doctors, F. Cattani, Ponens, P. Rossetti, and R. Chimenti, Auditors on duty, on July 31, 1916, judged that the answer should be: Affirmative.

VIII. CONCERNING PROPERTY. Regarding the proposed question: Whether the Royal Sentence of June 28, 1915, should be confirmed or rejected in the case, the Most Reverend Fathers, Doctors, G. Sebastianeiii, Decanus, Ponens, P. Rossetti, and R. Chimenti, Auditors on duty, on August 16, 1916, judged that the answer should be: That the Royal Sentence should be confirmed.

IX. NULLITY OF MARRIAGE due to lack of consent due to a condition imposed. Regarding the proposed question: Whether the Royal Sentence of May 20, 1912, should be confirmed or rejected, the Most Reverend Fathers, Doctors, S. Many, Ponens, F. Cattani, P. Rossetti, R. Chimenti, M. Massimi, Auditors on duty, on August 18, 1916, judged that the answer should be: That the Royal Sentence should be confirmed.

X. ECCLESIASTICAL BENEFICE. Regarding the proposed questions: 1. Whether, due to the contumacy of the Reverend N..., in the first instance, his appeal should be admitted in the case; 2. Whether the goods of the benefice should be transferred from the parish priest B to the parish priest C, the Most Reverend Fathers, Doctors, I. Prior, Ponens, A. Sincero, and I. Mori, Auditors on duty, on December 6, 1916, judged that the answers should be: 1. Affirmative; 2. Affirmative, according to the manner to be determined in the sentence.

From the Chancery, December 31, 1916.

Sac. T. Tani, Notary.

[*Latin ed. p. 42*]

Acts of the Apostolic See - Official Commentary. ACTA OF THE SECRETARIAT. LETTER FROM THE HOLY FATHER TO REVEREND FATHER HENRY OF SULPICIANE, GARRIGUET, CONCERNING THE MEETING

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HELD BY LETTER, TO THE MOST REVEREND SUPERIOR GENERAL.

Most Venerable Sir,

The Holy Father has learned with the greatest satisfaction of the consoling news that you have wished to send Him following the meetings of the Superior Council of Saint-Sulpice. The Pope has long appreciated the excellent priestly spirit of your Congregation and the immense services it has rendered to the Church of France for nearly three centuries. He is pleased to learn, through your testimony and that of your eminent collaborators, that, despite the upheavals of recent persecutions and the violent shock of the present war, there are all grounds for hoping that the future clergy of France will be in no way inferior to the numerous generations of priests who have come from the seminaries of Saint-Sulpice. These promises of the future have, as you so aptly say, the guarantee of the traditional attachment of Saint-Sulpice to the teachings of Rome, to its doctrines, and to its methods. You yourself, Reverend General, are the living embodiment of this tradition. Although the Procurator of Rome does not have the honor of counting you among its former students, you have always shown yourself to be as deeply convinced as the Venerable Mr. Captier, your predecessor of unforgettable memory, of the great benefit to your young confreres of coming to complete their preparation for their special vocation in the atmosphere of Rome.

[*Latin ed. p. 43*]

Secretariat, Statutes 43. Moreover, it is with the deepest affection of his heart that the Holy Father desires to consider ALL of you among the best of his sons, and to reiterate to you that he always relies upon you as the most effective and most powerful preparers of the clergy of France – including the young clergy of the New World – for the great missions that await them. I am pleased, Reverend Father Superior, to be, on this occasion, the interpreter of the sentiments of the Supreme Pontiff, and at the same time, to transmit to you and to all the members of your esteemed Society the most paternal blessings of His Holiness. Please accept, Venerable Father Superior, this renewed assurance of my profound devotion in Our Lord. From the Vatican, August 22, 1916. P. CARD. GASPARRI.

[*Latin ed. p. 44*]

44 Acta Apostolicae Sedis – Official Commentary of the DIARY OF THE ROMAN CURIA, SACRED CONGREGATION, NOTICE OF COMPETITION. In the Secretariat of the Sacred Consistorial Congregation, on the 12th day of the coming month of February, a competition will be held for the filling of vacant offices. Those who wish to participate in it must, within one month from the date of this notice, present to the Most Reverend Cardinal Secretary the application, accompanied by the necessary documents for admission. Rome, 8th of January, 1917. •f V. Sardi, titu-

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lar Archbishop of Caesarea of Palestine, Assessor, SACRED CONGREGATION OF RITES. On the 12th of December, 1916, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which, for the judgment of the Most Reverend and Most Illustrious Lords Cardinals who are members of the same, the following matters were presented: 1. The introduction of the cause of beatification and canonization of the Servant of God, Mary Magdalene Victoria de Bengy, Viscountess de Bonnault d'Houet, foundress of the Society of the Faithful Companions of Jesus. 2. The granting and approval of the Mass and Office proper, with Octave, in honor of the Blessed Virgin Mary under the title of Patroness of Bavaria. 3. Concerning the revision of the writings of the Servant of God, Gabriel Mary (in the world, Gilbert Nicholas), professed priest of the Order of Friars Minor, called Blessed; 4. and of the writings of the Servant of God, William Joseph Chaminade, priest, founder of the Society of Mary, called the Marianists; 5. and of the writings of the Servant of God, Peter Lopez, professed priest of the Order of Friars Minor; 6. and finally, of the writings of the Servant of God, Leonardo Murialdo, founder of the Pious Society of St. Joseph. On the 19th of December, 1916, at the Most Reverend and Most Reverend Lord Cardinal Filippo Giustini, promoter of the cause of beatification and canonization of the Venerable Bartholomew Dal Monte, Bolognese priest, founder of the Pious Work of the Missions, the Congregation of the Sacred Rites Antipreparatory was held, in which, by the Reverend Prelates Officials and the theological Consultors, the doubt concerning the heroism of the virtues exercised by the same Venerable Servant of God was discussed.

[*Latin ed. p. 45*]

Diary of the Roman Curia, SAGRA PENITENTIARY 45 APOSTOLIC NOMINATIONS. With a letter from the Most Reverend Cardinal Penitentiary Major, the Holy Father deigned to appoint: December 13, 1916. — Monsignor Ciriaco Petroccia, Secretary of the Sacred Apostolic Penitentiary. SECRETARY OF STATE APPOINTMENTS. With letters from the Secretary of State, the Holy Father deigned to appoint: December 12, 1916. Monsignor Sebastiano Nieotra, Apostolic Nuncio to Chile. December 15. Monsignor Giulio Grazioli, Auditor of the Holy Roman Rota, Consultor of the Sacred Congregation of the Council. December 5. Monsignor Lorenzo Lauri, titular Archbishop of Ephesus, Apostolic Nuncio to Peru. With a dispatch from the Secretary of State, dated December 31, 1916, the Holiness of Our Lord, at the request of the Government of the Republic of Chile, deigned to elevate the Pontifical Representation at said Republic from the rank of Nunciature to that of Embassy. Subsequently, the Holy Father deigned to appoint Monsignor Sebastiano Nieotra, titular Archbishop of Eraclea, Apostolic Nuncio to Chile. With Apostolic Briefs, the Holy Father deigned to appoint: Assistant at the Papal Throne: November 30, 1916.

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Monsignor Teofilo Meersehaert, Bishop of Oklahoma. Protonotaries Apostolic ad instar participantium: November 20, 1916. Monsignor Edmondo Scholz, of the Archdiocese of Praga. December 28. Monsignor Salvatore Pascali, of the Diocese of Lech. December 6. Monsignor Antonio Iadanza, of the same Diocese. December 20. Monsignor Adolfo Leone, of the same Diocese. December 21. Monsignor Giulio Lachèvre, of the Archdiocese of Rouen. December 21. Monsignor Enrico Parkinson, of the Archdiocese of Birmingham.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis - Official Commentary of the Domestic Prelate of His Holiness: July 28, 1915. Monsignor Leocadio Dimanlig, of the diocese of Lipa in the Philippine Islands.

Monsignor Antonio Lacson, of the same diocese. November 19, 1916. Monsignor Giulio Spett, of the diocese of Gran Varadino of the Royal Kingdom.

Monsignor Francesco Groh, of the same diocese. November 28.

Monsignor Francesco Mantel, of the diocese of Amiens. November 5.

Monsignor Carlo Fr. M. Beniamino Vernier, of the diocese of Montpellier. November 6.

Monsignor Giovanni Floridi, of the diocese of Bergamo.

Monsignor Severo Pasinetti, of the same diocese. November 10.

Monsignor Giovanni Musmeci, of the diocese of Acireale. November 12.

Monsignor Giuseppe Rocchetti, of the diocese of Senigallia. November 15.

Monsignor Stanislao I. Doucet, of the diocese of Chatham.

Monsignor Michele A. O'Keefe, of the same diocese. November 16.

Monsignor Giovanni Nardi, of the archdiocese of Bologna. November 20.

Monsignor Sebastiano Huber, of the archdiocese of Munich and Freising.

Monsignor Giuseppe Romunde, of the same archdiocese.

Monsignor Ludovico Eugenio Ernesto Julien, of the archdiocese of Rouen.

HONORS

By Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Grand Cross of the Order of Saint Gregory the Great, civil class: November 30, 1916.

To the Most Honorable Rodrigo Saavedra y Pineut, Marquess of Villalobar and Minister of Spain in Brussels. December 17.

To the Most Honorable Gustavo de Lamarzelle, French Senator.

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The Commander of the Order of Saint Gregory the Great, civil class: December 1, 1916.

To the Most Honorable Marquess Paolo Viti Mariani, of Rome. December 2.

To the Most Honorable Luigi Salvi, of the diocese of Bergamo. December 5.

To the Most Honorable Edoardo Eyre, of the archdiocese of Westminster. December 14.

To the Most Honorable Giuseppe Emanuele Perez Sarmiento, General Consul of Colombia in Cadiz and the Canary Islands. December 15.

To the Most Honorable Count Pietro Chiassi, of Rome.

To the Most Honorable Enrico de Grandmaison, of the archdiocese of Rouen.

To the Most Honorable Maria Andrea Bégouen, of the same archdiocese.

To the Most Honorable Enrico Lafosse, of the same archdiocese. December 19.

To the Most Honorable Carlo Candiani, of the Patriarchate of Venice.

To the Most Honorable Emilio Pesenti, Professor of Law, of the same Patriarchate. December 21.

To the Most Honorable Saverio Gatti, of the diocese of Ascoli Satriano and Cerignola.

To the Most Honorable Antonio Caggese, of the same diocese.

[*Latin ed. p. 47*]

Diarium Romanae Curiae 47. The Commandery of the Order of Saint Gregory the Great, military class: November 28, 1916. To Mr. Edoardo Settimio Graham, commander of artillery in the English troops of the Apostolic Vicariate of Sierra Leone. The Knighthood of the Order of Saint Gregory the Great, civil class: December 1, 1916. To [names omitted]. To the same diocese. December 10. To [names omitted]. December 15. To [names omitted]. To the same diocese, city of Rome. The Knighthood of the Order of Saint Gregory the Great, military class: December 12, 1916. To Mr. Gioacchino De Sena, lieutenant of the Guardiagrele Guard. To Mr. Luigi Mungo, lieutenant of the Guardiagrele Guard. The Knighthood of the Order of Saint Sylvester the Pope: December 13, 1916. To Mr. Romeo Forti, of Rome.

THE PAPAL HOUSEHOLD

BY ORDER OF HIS HOLINESS

With letters from His Eminence, the Papal Chamberlain, the Holy Father

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has deigned to appoint:

Secretaries of His Holiness, honorary: November 29, 1916. Mons. Fortunato Fonseca, of the diocese of Alife. Mons. Augusto Curi, of the archdiocese of Fermo. Mons. Giovanni Cicconi, of the same archdiocese. December 1. Mons. Giulio Bilabini, of the diocese of Bergamo. Mons. Paolo Merati, of the same diocese.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis - Official Commentary, December 2, 1916. Monsignor Giovanni Testa, of Rome.

3. Monsignor Eugenio Gruberskiski, of the diocese of Plock.

3. Monsignor Francesco Kuligowski, of the same diocese.

3. Monsignor Adamo Koszutowski, of the same diocese.

3. Monsignor Giuseppe Michnikowski, of the same diocese.

3. Monsignor Casimiro Targowski, of the same diocese.

3. Monsignor Giovanni Roslowicz, of the same diocese.

3. Monsignor Adamo Maciejowski, of the same diocese.

3. Monsignor Boleslao Wìostowski, of the same diocese.

3. Monsignor Leone Goscicki, of the same diocese.

3. Monsignor Mariano Kowalski, of the same diocese.

3. Monsignor Valentino Zaluska, of the same diocese.

3. Monsignor Filippo Griva, of the archdiocese of Turin.

3. Monsignor Bartolomeo Campana, of the diocese of Cuneo.

3. Monsignor Giuseppe de Vio, of the archdiocese of Gaeta.

3. Monsignor Edwino Michele Angelo, of the archdiocese of Madras.

18. Monsignor Luigi Colantoni, of the diocese of Marsi.

3. Monsignor Giovanni Costantini, of the Patriarchate of Venice.

January 5, 1917. Monsignor Alfonso Gentile.

Chamberlains *ad honorem* of the Sword and the Cope, extraordinary: December 1, 1916. Mr. Salvatore Parisi, of Rome.

3. Mr. Maurizio Musso, of the archdiocese of Turin.

Secret Chamberlain *ad honorem*: November 20, 1916. Monsignor Gioacchino G. de Bustamante, of the diocese of Vieh.

Chamberlain *ad honorem* beyond the city: December 3, 1916. Monsignor Ceslao Konarzewski, of the diocese of Plock.

NECROLOGY: December 14, 1916. Monsignor Giuseppe Staiti of Brancaleone, Bishop of Andria.

17. Monsignor Giuseppe Cecchini, of the Preachers, Archbishop of Taranto.

20. Monsignor Enrico Monnier, titular Bishop of Lidda.

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3. Monsignor Emilio Parodi, Archbishop of Sassari.

January 6, 1917. Monsignor Carlo Giuseppe Gentili, Archbishop of Agra.

[*Latin ed. p. 49*]

Year IX - Vol. IX, February 1, 1917, No. 2.
ACTA APOSOLICAE SEDIS, Official Commentary.

ACTA OF POPE BENEDICT XV.

APOSTOLIC LETTERS.

"TO THE CANONICAL CHAPLAINS FOR THE HONOR OF THE CHURCH OF THE HOLY MARTYRS GELSIUS AND JULIAN IN THE CITY."

BENEDICT XV, POPE.

For the perpetual memory of the matter.

We deem it fitting that the temples of this our beloved City, which are distinguished both by antiquity and by nobility, be endowed with the principal privileges and honors, according to the custom and the practice of our Predecessor Popes.

Among the sacred buildings, it is particularly fitting to include that one which is situated near the Aelian Bridge and is dedicated to the Holy Martyrs Celso and Julian, which holds a place among the principal parishes of the City, and which, from ancient times, has been adorned with the title of Pontifical Chapel.

Moreover, it is characteristic of this place that the Order of Canons, which was established there in ancient times, now, for just causes, has been transferred to the Church of St. John of the Florentines on the Via Paullina, where they offer praise to God and perform other works of piety.

Therefore, since the aforementioned collegiate church rightly bears the name of the Pontifical Chapel of the Holy Martyrs Celso and Julian, We have considered it just and fitting to accede to the petitions of the Chapter, to the extent that it pertains to them, and to promote the Canons themselves to a higher degree of dignity.

Wherefore, by Our Apostolic Authority, We hereby make all and each of the Canons, for the time being, of the Church of the Holy Martyrs Celso and Julian in the City, Our intimate confidants for the honor, or, as they say, "secret chaplains for honor," perpetually.

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ACTA, Vol. IX, No. 2. - February 1, 1917.

[*Latin ed. p. 50*]

Acts of the Apostolic See - Official Commentary 50, we declare, granting to them, and therefore granting to all and each rights, privileges, prerogatives, honors, and indulgences, by which others of a similar standing are distinguished, enjoy, or may enjoy and will be able to enjoy. We are certainly striving with the hope that the aforementioned Chapter of Canons, as a further testimony of the benevolence of the Holy See, will, with no less diligence and care, strive to promote the glory of the religion in its new building, as we have stated above. We decree that these present Letters shall always be firm, valid, and efficacious, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, or may pertain, in all things and through all things: and it shall be rightly judged and determined, and rendered null and void if, by anyone, through any authority, knowingly or unknowingly, anything should happen to be attempted contrary to these. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the sixteenth day of October, 1914, in the first year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

THE CHURCH OF ST. MICHAEL THE ARCHANGEL IN THE TOWN OF «PIANO DI SORRENTO» IS DECORATED WITH THE TITLE OF SIMPLE BASILICA.

BENEDICT XV.

For the perpetual memory of the matter.

Following the footsteps of the Roman Pontiffs, Our predecessors, who, through age, through works of art, and through the religion of the people, most highly venerated the temples of God, we strive to adorn them with special honors. Indeed, it has come to Our knowledge that within the territory of the Archdiocese of Sorrento, in the town of «Piano di Sorrento», there exists a sacred building dedicated to St. Michael the Archangel, which was founded in the tenth century, and is conspicuous for its size, and which, with works of art of all kinds, constantly increased, and adorned with precious furnishings, deserves to be counted among the most important Christian churches of that Archdiocese. In past years, adorned with the title and rights of a parish, in the turning of the eighteenth century, by the Most Reverend Pope Benedict XIII, Our predecessor, it was raised to the rank of Collegiate Church. In that very church, the clergy and the people have splendidly testified to their ancestral faith and piety.

[*Latin ed. p. 51*]

The acts of Pope Benedict XV, number 51, indicate that he took care

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to establish and generously promote several works of religion and visible charity. Now, since the Chapter, the clergy, the administrators, and the people of the town of "Piano di Sorrento" earnestly implore us, so that we might deem it fitting to adorn the aforementioned sacred collegiate church, dedicated to Saint Michael the Archangel, with the title of Basilica, and since these pious requests are supported by the most serious endorsement of the Archbishop of Sorrento, we do not hesitate to grant and satisfy these desired things. Therefore, having heard the Most Reverend and Most Reverend Lords, Cardinals, Prefects of the Congregation of Sacred Rites, and following the custom observed by the Roman Pontiffs in this matter, by our Apostolic authority, by the tenor of these present documents, we hereby elevate the Collegiate Church of Saint Michael the Archangel in the city of "Piano di Sorrento" to the simple title of Basilica, with the privilege of carrying the bell and the umbel (with the addition of the church's coat of arms), but not adorned with gold or silver, and with the right of precedence for its Chapter over all other collegiate churches, even those older, within the boundaries of the aforementioned parish of Saint Michael. We decree and command that all things which we have established and declared in these letters be considered valid and firm, and that they shall remain so in the future, and we declare void and of no effect whatever may be attempted by anyone, with any authority, concerning these matters. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the tenth day of December, in the year 1914, in the first year of our pontificate. P. Card. GASPARRI, Secretary of State.

III. A CONFRATERNITY EXISTS, COMMONLY CALLED IN ALL PLACES "THE ARCHDIOCESAN SACRAMENTAL CONFRATERNITY," WHICH IN SICILY IS CALLED BY THAT NAME, AND WHICH HAS THE FACULTY OF INCLUDING THE ISLAND OF CATANIA.

BENEDICT XV, for the perpetual memory of this matter.

Since nothing is more dear to us than that the piety of the faithful towards the Sacred Sacrament may increase more and more each day, we are favorably disposed towards this pious confraternity, established for such a purpose, and we gladly bestow new privileges upon it.

[*Latin ed. p. 52*]

52 Acta Apostolicae Sedis - Official Commentary. Therefore, we received with great pleasure the devout prayers of the women's association commonly called "delle Dame Sacramentine," which was canonically established in Catania at the church of St. Euphemia in the year 1903, and which has been enriched by the benevolence of the Most Reverend Leo XIII. We received them all the more favorably because this association not only proposes to venerate the Most Holy Body with frequent visits, but also invites and encourages the faithful to render the highest honors due to this mystery of love. With this purpose, the association has produced such abun-

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dant fruits that our predecessor, the Blessed Pope Pius X, granted it the power, with certain indulgences, to gather other groups under the same name throughout the entire Archdiocese of Catania. Now, since this institution has progressed far and wide throughout the island of Sicily, with God's favor, we gladly augment the honors and privileges that it has already deserved. Given these circumstances, and also by the vote and suffrage of the Most Reverend Fathers, Cardinals of the Holy Roman Church, interpreting the Decrees of the Council of Trent, by the present document, with our Apostolic Authority, we erect and establish the aforementioned primary women's association, commonly called "delle Dame Sacramentine," and existing in the church of St. Euphemia in the city of Catania, as an Archisodality, with the customary privileges, permanently. We also grant and allow, with the same Apostolic Authority, that the officials and members, present and future, of the Archisodality thus established, may lawfully and validly aggregate to it all other associations of the same name and institution, hitherto established or to be established in all the dioceses of the island of Sicily, always observing the form of the Constitution of Pope Clement VIII, our predecessor, and other ordinances issued above; and that they may communicate to these associations all and each of the indulgences, remissions of sins, and relaxations of penances, which have been granted by the Apostolic See to the aforementioned association, in the Archisodality erected by Us, which are to be distributed to others. We decree that these presents shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and shall fully suffice for those to whom they pertain, or may pertain, in all things and through all things: and that it shall be judged and defined, and that it shall be null and void if anyone, with any authority, knowingly or unknowingly, should attempt to interfere with these matters. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eighth day of January, 1915, in the first year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State.

[*Latin ed. p. 53*]

The Acts of the Blessed Pope Benedict XV, number 53. A PLENARY INDULGENCE IS GRANTED FOR THE FEASTS OF THE BLESSED AGATHANGELUS AND CASSIANUS. Pope Benedict XV. For the perpetual memory of the matter. – Graciously consenting to the pious prayers presented to Us by the General Procurator of the Order of the Minor Brethren of Saint Francis, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant to all and each of the faithful, of both sexes, who are present in any church of the Order, located anywhere in the world, on the seventh day of August, on which the feasts of the Blessed Agathangelus and Cassianus are celebrated, from midday of the preceding day until sunset on that same day, and who, having received the sacrament

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of Penance and the Eucharistic food, visit there and offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We mercifully grant a plenary indulgence for all their sins, and the remission thereof, so that the imperfections and penalties of the lives of the faithful may also be expiated. Notwithstanding any contrary decrees. This is valid for the present and for all future times. We decree that to these present Letters, or to copies thereof, even printed ones, signed by the hand of a public Notary and sealed with the seal of a person holding an ecclesiastical office, the same faith shall be given as would be given to the present Letters if they were exhibited or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the eleventh day of August, in the year 1915, in the first year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. V. PLENARY AND PARTIAL INDULGENCES WITH THE TITLE "DAILY SODALITY" ARE GRANTED TO SODALITIES ERECTED OR TO BE ERECTED IN IRELAND. Pope Benedict XV. For the perpetual memory of the matter. – Since Christ our Redeemer, in leaving us the memorial of His precious Sacrifice in the holy Host, has shown us that nothing is more ancient than to frequently...

[*Latin ed. p. 54*]

54 Acta Apostolicae Sedis - Commentarium Officiale. That they may participate in the sacred rites, cultivate and adore its mysteries. Therefore, with joy, we have learned that, from the very beginnings of the faith, a devout practice of the Holy Mass has flourished on the island of Hibernia, and that, amidst the terrible persecution against Catholics, it has grown ever more intensely from day to day: for the people, at no small risk to their lives, never ceased to attend this divine service, whether in the mountains or in caves. This outstanding piety has borne such blessed fruit that a pious Society has been established there under the title "The League of Daily Mass," and that many faithful have generously contributed to it, promising above all to do everything in their power to attend Mass every day. Therefore, to greatly encourage this fruitful work, the Venerable Brother William, Archbishop of Dublin and Primate of Hibernia, who had already canonically erected a similar Association in the church of the Regular Clerics of the Society of Jesus in his city of Dublin, humbly implored us to deign to enrich it with heavenly treasures. And we, who know and have seen how many and what benefits arise for the faithful from this devout practice of frequently attending the Holy Mass, especially that they are more easily refreshed by that mystical banquet, have considered the desires of this prelate to be worthy of being received with benevolence. Therefore, confident in the mercy of Almighty God and in the authority of the Apostles SS. Peter and Paul, we grant and bestow, in this Holy Year, a plenary indulgence to all Christian faithful of both sexes who join Societies under the title "The League of

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Daily Mass" in any diocese of Hibernia, whether already established or to be established in the future, on the first day of their entry, provided that they have truly repented and confessed, and have received the Holy Sacrament of the Eucharist; and to those members of such Societies, as are described above, at the hour of their death, provided that they have truly repented and confessed, and have been refreshed by Holy Communion, or, if they are unable to do so, have invoked the name of Jesus with their lips, if they can, or at least with a devout heart; and also to the aforementioned members of the same Associations, who, in any month of the year, have attended Mass for at least nine consecutive days, and have received Holy Communion in repentance and confession on one day of their choice from these nine days, and during Mass have offered devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, we likewise grant and bestow a plenary remission of all their sins. Furthermore, to the same members of the Societies who, with at least a contrite heart, have attended Mass on any feast day and have prayed during that Mass, as is customary, we grant and bestow, for seven years and forty days.

[*Latin ed. p. 55*]

Acta of Pope Benedict XV, 55: To those associates who have performed any work of piety or charity, according to the prescriptions of these Societies, we grant one hundred days of remission from the penances imposed upon them, or from any other debts, in the usual form of the Church. We grant that all these indulgences, remissions of sins, and relaxations of penances, with the exception of the plenary indulgence to be obtained at the hour of death, may be applied for the benefit of the souls of the faithful detained in Purgatory. Finally, by our Apostolic authority, we grant that Masses celebrated at any altar for the soul of any member of these Societies shall, for that soul, be of equal benefit as if they had been celebrated at a privileged altar. Notwithstanding any contrary provisions. These present decrees are to be perpetually valid. We decree that to these present letters, or copies thereof, even printed ones, signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith shall be given as would be given to the present documents if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's ring, on the sixteenth day of September, 1915, in the second year of our pontificate. P. CARD. GASPARRI, Secretary of State. VI. TO THE ARCHDIOCESAN SEMINARY OF BONAERENSI, THE POWER TO CONFER ACADEMIC DEGREES IN PHILOSOPHY AND IN SACRED THEOLOGY IS GRANTED. BENEDICT XV, For the perpetual memory of this event. — The divine precept, which our Redeemer Christ gave to his Apostles when ascending into Heaven, "Go and teach all nations," has continually urged their successors, and especially the Roman Pontiff, to diligently

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promote and carefully transmit knowledge concerning God, and other disciplines suitable for leading to Him. For through these studies, sacred ministers are strengthened, more easily defend and profess the true faith, and fruitfully spread it in the Lord. Moved by this purpose, the prelates of the Republic of Argentina, following the wishes of the plenary assembly of the Bishops of Latin America, happily celebrated in this our Alma Urbe in the year 1877, the Seminary, newly established from its foundations in the principal city of Buenos Aires,

[*Latin ed. p. 56*]

56. The Acts of the Apostolic See – an official commentary – have most diligently instructed all schools, from the very beginnings of grammar up to the entire field of Theology. Now, since nothing remains to be done to enhance the splendor of this academy further, except to encourage young men, the future of the Church, to pursue studies, properly established, with rewards and honors, the most distinguished prelates have earnestly and unanimously requested us to grant the Archbishop of Buenos Aires the privilege of conferring academic degrees in both disciplines to those students who, having completed their course of studies with merit, are deemed worthy of such advancement. We, having carefully and maturely considered this matter with the Most Reverend Fathers, Cardinals, diligently governing studies, and having learned and explored that, both for us and for these brothers, the lower studies in the seminary of Buenos Aires are suitably arranged, and that the higher studies, namely Philosophy and Sacred Theology, are established in the manner of the Gregorian University of the City [Rome], and furthermore that, whether through the expertise of the teachers, or the number and frequency of the students, or even through other provisions pertaining to the school, everything is most highly commended, we have deemed the requests presented to us to be worthy of a favorable response. Therefore, by the tenor of this document, we canonically erect, with all rights and privileges that are customarily granted to such institutions approved by this Holy See, the faculties of Philosophy and Sacred Theology in the Archiepiscopal Seminary of Buenos Aires, and declare them to be established. With equal authority, we grant the Archbishop of Buenos Aires the power, for a period of four years, to confer academic degrees, namely the Bachelor's degree, the License, and the Doctorate, either in Philosophy or in Sacred Theology, solely to those students who have duly attended the schools of that seminary, provided that the laws currently in force at the Gregorian University of this our Alma City are scrupulously observed there, and that the Deans, Doctors of both aforementioned sciences, steadfastly follow the teachings of Saint Thomas, vigorously defend and illuminate them, as our predecessors, the Roman Pontiffs, have solemnly commanded on several occasions. Finally, we decree that, as is customary, the Archbishop

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of Buenos Aires, after the aforementioned four years have elapsed, shall diligently inform our Sacred Congregation governing studies, both about the completion of such degrees, and about all other matters that are deemed worthy of note in relation to the studies. We declare these present letters to be always firm, valid, and effective, and to have and to obtain, and to be able to have and to obtain in the future, their full and complete effects, and to fully suffice for all those to whom they pertain, in all things and through all things: thus it is to be judged and decided.

[*Latin ed. p. 57*]

Acta Benedicti PP. XV, 57: "Should it happen, to the detriment and to the nullity of these things, that anyone, with or without authority, knowingly or unknowingly, should attempt to alter them, notwithstanding any contrary circumstances. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-second day of December, 1915, in the second year of Our Pontificate. P. CARD. GASPARRI, from the Secretariat of State."

VII. THE TEMPLE OF THE BLESSED VIRGIN MARY, COMMONLY CALLED "DEL PINO," IN THE CITY OF "LAS PALMAS," IN THE DIOCESE OF CANARIAS, IS ELEVATED TO THE DIGNITY OF A BASILICA MINOR, PERMANENTLY.

BENEDICT XV. For the perpetual memory of this event.

"The outstanding devotion of the faithful towards the Divine Virgin has always been, everywhere, the reason why magnificent temples are dedicated to Her, in which piety and ingenuity strive to honor so great a Mother with the most splendid worship. Thus, also, in the chief city of the Canarian Diocese, commonly called "Las Palmas," there exists a building which, constructed in the waning years of the fifteenth century and consecrated to the Blessed Virgin Mary under the title of "del Pino," was, at the beginning of the seventeenth century, and then in our own times, adorned with such generous works of art, that, whether by its size or its beauty, it easily surpasses all other churches, after the Cathedral Church. To this is added the fact that the clergy, who diligently and piously perform their duties in that richly furnished building, and the pious Sodalities named after the Most Holy Sacrament, the Sacred Heart of Jesus, the Blessed Virgin of the Rosary, and canonically established, as well as associations of young men and young women, and finally, the nocturnal adoration, which is customarily celebrated there every Saturday throughout the year, make the sacredness of this temple even more radiant, and render it fitting that it should be enriched with new honors and privileges. Therefore, we consider it fitting to favorably receive the petitions of the Venerable Brother Angel Marquina and Corrales, Bishop of Canarias, who also expressed the wishes of the clergy and the people to Us, and, with the advice also of the Most Reverend Fathers and Brothers of the Sacred College of Cardinals, to enrich the aforementioned building, already endowed with graces and indulgences by this

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Apostolic See, with the desired favor. Wherefore, by these Our Letters, the temple dedicated to God in honor of the Divine Virgin, commonly called "del Pino," which is located in the city of "Las Pal-"

[*Latin ed. p. 58*]

Acts of the Apostolic See - Official Commentary 58. Within the boundaries of the Canarian Diocese, there exists a church which We, by Our Apostolic authority, elevate perpetually to the dignity of a Minor Basilica, and We grant it all and each of the rights, privileges, prerogatives, honors, indulgences, which by right belong to the Minor Basilicas of this Our Most Holy City. We declare these present Letters to be firm, valid, and efficacious, and to have, and to obtain, their full and complete effect, and to be fully efficacious for those to whom they pertain, now and in the future, in all things and through all things; and it is to be judged and defined that they are to be considered valid, and to be declared null and void if, concerning these matters, anyone, by any authority, knowingly or unknowingly, should attempt to interfere. Notwithstanding any contrary provisions. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the tenth day of January, 1916, in the second year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. VIII. "THE SMALL SHRINE OF THE SORROWFUL VIRGIN," DEDICATED TO THE BLESSED VIRGIN MARY OF NAPLES, COMMONLY KNOWN BY THE PERMANENT NAME "AL FIUMICELLO." BENEDICT XV. For the perpetual memory of this event. - Our Predecessor Popes, so that the religion and piety of the Christian people towards the Divine Virgin might increase day by day, have been accustomed to enrich the temples dedicated to Her, which are greatly celebrated by the faithful, with honors and privileges. Therefore, when the Blessed Pope Pius X learned that the sacred edifice dedicated to the Blessed Virgin Mary, the Sorrowful One, in Naples, commonly called "al Fiumicello," was frequented by a large number of the faithful, and that its reputation, due to the graces granted by the Mother of Sorrows, had grown daily, and was even spread far and wide, He readily granted the Archbishop of Naples, who had already deservedly shown great merit concerning this edifice, the faculty to redeem, with a golden crown, the image of the same Blessed Virgin, religiously preserved there. This was solemnly performed in the Metropolitan temple on the fourth day of September, in the year 1910, in the name and by the authority of the Supreme Pontiff, by the aforementioned Cardinal Archbishop. And We ourselves, having been informed of all these things, and considering that there is nothing more ancient than to encourage the faithful to venerate the Sorrows of the Mother of God, and with the greatest...

[*Latin ed. p. 59*]

Acta of Pope Benedict XV, 59: To implore the aid of His [Benedict XV's]

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faith, the prayers of the present Rector of the Basilica were received with benevolence, and on the last day of the year 1914, the title "Small Sanctuary of the Sorrowful Virgin Mary, commonly called 'al Fiumicello'," for this Basilica, having been accepted for use, was ratified and fully confirmed by Our Apostolic Authority. Now, since new petitions have been presented to Us, so that, considering the devotion which extends far and wide towards this same Sanctuary, We might deem it worthy to enrich it with a greater privilege, We, who are certainly persuaded that this broader expression of Our benevolence will contribute to the greater benefit of souls, have judged it fitting to grant assent to such pious requests. Wherefore, by the tenor of the present document, We, with Our Apostolic Authority, perpetually adorn this small Sanctuary with the name of the Holy See, and We likewise grant that it may freely and lawfully be called and named by this splendid title in public and private records, and also in all Apostolic documents. We decree that these present letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and may have effect upon those to whom they pertain, now or in the future, in all things and through all things, fully and completely; and that they shall be judged and defined to be so, and shall be declared void and null if, by anyone, with any authority, knowingly or unknowingly, anything should happen to be attempted concerning these matters. Notwithstanding any contrary provisions. Given at Rome, near St. Peter's, under the Fisherman's Ring, on the 18th day of January, 1916, in the second year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. IX. A CONFRATERNITY under the title "LIGUE DE L'ÉVANGILE," established in the town of "Mont-Magny" in the Diocese of VERSALIENSIS, is hereby permanently erected into an Archconfraternity, with the faculty of aggregation throughout the world. BENEDICT XV. For the perpetual memory of this event. — Indeed, nothing is more suitable for exciting faith, piety, and virtue in men than the knowledge of the Holy Gospel, the perennial source and principle of truth. And in order that the inhabitants of the earth might learn this good knowledge, Our Redeemer sent His Apostles: "Go ye therefore into the world the whole, and preach the Gospel to every creature."

[*Latin ed. p. 60*]

60 Acta Apostolicae Sedis - Official Commentary "to every creature" (Mark, XVI, 15), and I have stirred up their minds with divine inspiration, that they might write the Gospel, so that this book of life, worthy of all veneration, might be read everywhere among the nations. Therefore, it is of great importance for Christians to possess such a codex of truth, to frequently read and meditate upon it with their families, and to observe its salutary precepts as much as possible. Since this is so, we are very pleased that in the year 1661, a pious Sodalitas called "Ligue de l'Evangile" was founded in the chapel dedicated to the Virgin Mary in Lapurda, in the

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town commonly called "Montmagny" in the Diocese of Versailles, and that, subsequently, as desired, it was properly erected into a Confraternity by the Most Holy Pope Clement, our Predecessor, in the year 1901. We also know with no less joy that this Association, which is especially dedicated to the widespread dissemination of the knowledge of the Holy Gospel and the faithful fulfillment of its commandments, has been enriched with many indulgences by the same Predecessor of ours. Furthermore, at the fourth assembly of nations held in Paris in 1913 for the very purpose of this institution, our beloved sons, the Cardinals Amette and Mercier of the Holy Roman Church, along with several other Bishops present there, supported by the votes of ten other Princes of the Purple, made a vow that this Confraternity should be increased in title and privileges as an Archisodalitas. And when the Bishop of Versailles made known to us these desires of ours, we gladly accede to these prayers. Wherefore, with the advice of our Most Reverend and Venerable Brothers, the Cardinals of the Holy Roman Church, interpreting the Decrees of the Council of Trent, by the present document, by our Apostolic Authority, we erect and establish the pious Confraternity, mentioned above, commonly called "Ligue de l'Evangile," which exists in the town of "Montmagny" in the Diocese of Versailles, as an Archisodalitas permanently and with the customary privileges. We also grant and allow, by the same Apostolic Authority, by the force of these letters, that the officials and members of this Archisodalitas, existing now and for the time being, as well as any other Sodalitas of the same name and institution, canonically erected anywhere in the world, or to be erected in the future, may, with due observance of the form of the Constitution of our Predecessor Clement VIII, and other Apostolic Ordinances issued above, aggregate them, and may lawfully and validly communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted or to be granted to this Sodalitas, now erected by us into an Archisodalitas, by this Holy See, and which may be granted to others. We decree that these present letters shall always be firm, valid, and effective, and shall have and obtain their full and complete effects, for those to whom they pertain, and may pertain in the future, in all things and through all things, fully.

[*Latin ed. p. 61*]

The acts of Pope Benedict XV, number 61, establish this judgment and definition, and it shall be considered void and null if, concerning these matters, anyone, with any authority, knowingly or unknowingly, should attempt to alter it. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's ring, on the sixteenth day of February, 1916, in the second year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Sacred Congregation of the Holy Office.

CERTAIN PRAYERS FOR OBTAINING FROM THE LORD THE UNITY

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OF THE CHURCH ARE GRANTED INDULGENCES. BENEDICT XV. For the perpetual memory of this matter. It has always been the concern of Our Predecessors, the Roman Pontiffs, and it is likewise of great concern to Us, that Christians who have unhappily strayed from the Catholic Religion may finally be brought back to it, as to their abandoned mother. For in the unity of faith, the principal characteristic of the Church of truth is evident; and in this way, the Apostle Paul exhorts the Ephesians to preserve the unity of spirit in the bond of peace, by preaching that there is one Lord, one faith, one baptism (Ephesians 4:5). Therefore, we have received with pleasure the prayers proposed by the Society, which they call "Expiationis," founded in New York, to be recited from the feast of the Roman Chair of St. Peter until the feast of the Conversion of St. Paul, so that this goal of unity may be obtained from the Lord, and we are equally pleased that such prayers, having been blessed by the late Pope Pius X and approved by the Sacred Congregation of America, have already been widely disseminated throughout the United States. Therefore, that the desired outcome may be more easily achieved, We decree that all and each of the Christian faithful, of both sexes, throughout the world, who shall recite, from the twenty-ninth day of the month of January, on the feast of the Roman Chair of St. Peter, until the twenty-fifth day of the same month, on which the Conversion of St. Paul is celebrated, the prayers set forth below, once each day, and, finally, on the last day of this octave, truly contrite and having confessed, and having received Holy Communion, and having visited any church or public oratory, there, they shall receive the following indulgences:

[*Latin ed. p. 62*]

6. Acts of the Apostolic See - Official Commentary: For the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, may devout prayers be offered to God, We mercifully grant and bestow upon all a plenary indulgence and remission of all their sins. Furthermore, We grant that, by virtue of which, those same indulgences may be lawfully obtained, expiated, and received by the Holy Synod, as well as that a visit may be made, even on the feast of the Chair of St. Peter in Rome, and that these things may be done lawfully. Moreover, to those same faithful who, at least with a contrite heart, have recited those same prayers on any of the eight days mentioned, We remit two hundred days of the penitences enjoined upon them, or of any other debts of penance, according to the usual form of the Church. We also grant that all and each of these indulgences, remissions of sins, and relaxations of penances may be applied for the benefit of the souls of the faithful detained in Purgatory, as a form of suffrage. These things are valid forever, notwithstanding any opposition. The prayers to be recited during the octave, as stated above, for the unity of the Church, are these, and that nothing may be altered in them, We order that a copy of them be

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preserved in the Tabularium Brevium Apostolicorum. "Ant. (John 17:21): That they all may be one, as thou, Father, in me, and I in thee; that they also may be one in us: that the world may believe that thou hast sent me." "v. Indeed, I say to thee, that thou art Peter." "R. And upon this rock I will build my Church." PRAYER. "Lord Jesus Christ, who saidst to thy Apostles: Peace I leave with you, my peace I give to you: regard not my sins, but the faith of thy Church: deign to pacify and unite it according to thy will: who livest and reignest God for all ages of ages. Amen." Given in Rome, near St. Peter's, under the Fisherman's Ring, on the twenty-fifth day of February, in the year 1837, in the second year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 63*]

Acta Benedicti PP. XV : 63. r XI. The Curial Church of the Miracles of [Rennes], and under the patronage of the Most Holy Savior, and of the Blessed Virgin, is raised to the dignity of a Minor Basilica, perpetually.

BENEDICT PP. XV. For the perpetual memory of this event.

In the city of [Rennes], the Curial Church, dedicated to the Most Holy Savior and to the Blessed Virgin of Miracles, which, through its size and also through its conspicuous works of all kinds of art, has existed for many centuries. The oldest image of the Virgin Mother, under her proclaimed name, renowned for countless miracles, is venerated there with ancient devotion. It is indeed handed down that, moved by the greatest piety, the Blessed John Eudes frequently visited that place in the sixteenth century; and that in the following century, the Blessed Louis M. Grignion de Montfort celebrated the same church, who, burning with equal piety and apostolic zeal, greatly promoted the cult and devotion to the Blessed Virgin of Miracles throughout the region of [Rennes] and [Vannes]. We also know that, in the seventeenth century, a Sodality was canonically established in that very parish church, flourishing with a frequent number of members and with constant demonstrations of worship and piety, under the same invocation of the Virgin.

The church, recently restored and rededicated in the year 1913, is rich in furnishings and abounds in ecclesiastical and divine services, which are diligently performed by the parish priest and a sufficient clergy. The principal ornament of that sacred building is, indeed, the miraculous image of the Virgin Mother, which, in the year 1908, was redeemed with a magnificent golden crown, by our Predecessor, Pope Pius X, in my name and with my authority, with the presence of several Holy Prelates and Bishops, and with the cooperation of the people.

Now, when the Venerable Brother Augustus Renatus Maria Dubourg, Archbishop of [Rennes], earnestly requested us, through fervent prayers, to deign to raise the church of the Most Holy Savior and of the Blessed Virgin of Miracles to the dignity of a Minor Basilica, we, recalling the illus-

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trious memories of that church, readily and willingly agreed to fulfill his wishes.

Therefore, after consulting with our Most Reverend and Venerable Brothers, Cardinals, Prefects of the Congregation for the Protection of Sacred Rites, by our Apostolic Authority, in the presence of you, and perpetually, we declare and decree:

[*Latin ed. p. 64*]

64 Acta Apostolicae Sedis - The aforementioned official commentary concerning the Curial temple in Rhedonense, under the title of the Most Holy Savior and the Blessed Virgin Mary, we enhance with the dignity and title of a Basilica minor, granting to it all and singular honors and privileges that are rightfully due to minor Basilicas of this esteemed city. We decree that these present letters shall always remain firm, valid, and efficacious, and shall fully produce and obtain their intended effects, and that those to whom they pertain shall fully avail themselves of them, and that they shall be null and void if anything contrary to these should occur, knowingly or unknowingly, by anyone, through any authority whatsoever. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's ring, on the twenty-seventh day of April, 1916, in the second year of Our Pontificate. P. CARD. GASPARRI, Secretary of State. XII. TITLE OF BASILICA MINOR FOR THE PAROCHIAL CHURCH IN RHEDONENSI, DEDICATED TO ST. ALBIN, BISHOP AND CONFESSOR, AND THE BLESSED VIRGIN MARY OF THE GOOD NEWS. BENEDICT XV. For the perpetual memory of this matter. — We gladly enrich with privileges and honors those conspicuous temples of God, which excel not only in antiquity and artistic splendor, but especially in decorum, worship, and the devotion of the faithful. Therefore, We deem it fitting to grant these privileges to the Sacred Parochial Church, which was built in the fourteenth century in the city of Rhedonense, and which was subsequently expanded in the year eight hundred and eighty-four, adorned with more elaborate works of art, and which has been preserved under the title of St. Albin, Bishop and Confessor, and the Blessed Virgin Mary of the Good News, and which is rightly worthy of being considered among the Marian sanctuaries of Galliae. For within it, the very ancient image of the Mother of God is venerated with the greatest reverence, which was formerly honored with singular devotion in the monastery of the Brothers of the Order of Preachers called "de Bonis Nuntiis," and which has been renowned for miracles, and which has repeatedly been of great benefit to the city of Rhedonense, first by being spared from the fire that raged in the year 1720, and also in these recent times, by being preserved from the most terrible ravages of war in the year 1870. Therefore, in the year 1907,

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the most extensive...

[*Latin ed. p. 65*]

The acts of Pope Benedict XV, with a large gathering of clergy and people present, record that a golden diadem was solemnly placed upon the image of the most holy Virgin Mary of the Good News. The church was richly adorned with sacred furnishings, and the parish priest, the vicar, and others appointed to sacred duties diligently attended to their duties. Furthermore, several arch-confraternities and sodalities, canonically established there, which are named after the Most Holy Virgin Mary of the Rosary, Saint Joseph, the spouse of the same Virgin Mary, Saint Anne, the mother of the Virgin Mary, and Saint Michael the Archangel, and to which is added a sodality for the faithful who are dying, enhance the devotion and splendor of this sanctuary.

When the Venerable Brother Augustus Renatus Dubourg, Archbishop of Rennes, moved by these reasons, humbly petitioned us to deign to adorn the aforementioned parish church with the title and dignity of a minor basilica, we, considering all these things, bestow upon this most beautiful monument of art and Gallic piety, with a generous will, honors and privileges. Therefore, with the advice of the Most Reverend Fathers, Cardinals, Prefects of the Sacred Rites, by our Apostolic Authority, by the tenor of the present document, we permanently adorn the parish church of Rennes with the title of the minor basilica of Saint Albin, Bishop and Confessor, and of the Virgin Mary of the Good News, and we grant to it all and each of the rights, privileges, prerogatives, honors, and indulgences that rightfully belong to the minor basilicas of this our Alma City.

We decree that these present letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and shall be fully effective for those to whom they pertain, now and in the future, in all things and through all things: and it shall be judged and determined, and shall be declared void and null if, concerning these matters, anyone, by any authority, knowingly or unknowingly, should attempt to interfere. Notwithstanding any contrary provisions.

Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-seventh day of April, in the year 1916, in the second year of our pontificate.

P. ACTA, vol. IX, n. 2. — 1-2-917.

CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 66*]

Acta Apostolicae Sedis - Official Commentary 66 XIII. ASSOCIATION FOUNDED IN CATHOLICA, ENGLAND, WITH THE ADDITION OF TRUTH, COMMONLY KNOWN AS "CATHOLIC PLENARY PRIVILEGES FOR THE TRUTH SOCIETY," GRANTING INDULGENCES TO ITS

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MEMBERS AND PRIESTS. BENEDICT XV. For the perpetual memory of this matter. — Our beloved son, Francis, Presbyter and Cardinal of the Holy Roman Church, Bourne, by Apostolic dispensation, Archbishop of Westmonasteriensis, reports to us that a pious association, called the Catholic Truth Society, exists in England, and that it is fruitful in promoting the cause of the Christian name, and especially in defending and asserting the truth of the Catholic religion through the dissemination of good books. The aforementioned Cardinal Prince adds that the association he directs has been enriched by certain indulgences from this Holy See, and that he earnestly desires that we may grant further indulgences, adding to those already granted, and simultaneously bestow all and each of them perpetually. We, for whom there is nothing more ancient than that pious associations, which assist the ministers of the militant Church, as auxiliary cohorts, in the good struggle, should be adorned with special privileges, in agreement with these pious requests, grant the indulgences and spiritual graces, as follows, both confirming them perpetually, and, as is necessary, granting them anew. Therefore, after consultation with the Most Reverend Fathers, Cardinals, General Inquisitors, and confident in the mercy of Almighty God and the authority of the Apostles Peter and Paul, we grant to all and each of the faithful who shall join the aforementioned association for the defense of the Catholic Truth, on the first day of their entry, if they are truly contrite and have confessed, and have received Holy Communion in their own church, if it exists, otherwise in any other public church or chapel, and if they pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, a plenary indulgence; and likewise, to all and each of those who are enrolled in the aforementioned association, at the hour of their death, if they have been absolved by the sacraments and have received the viaticum, or, if they are unable to do so, if they have invoked the name of Jesus with their mouth, if they can, or, if not, with a devout heart, and if they have accepted death as the penalty for sin with a humble spirit, also a plenary indulgence; finally, likewise, to all and each, now and in the future—

[*Latin ed. p. 67*]

The acts of Pope Benedict XV, number 67, state that the members of this Society shall, on the feast days of the celestial patrons of the same Society, namely, on the eighth day of December, which is the feast of the Immaculate Conception of the Virgin Mary, and on the feast of Saint Joseph, namely, on the nineteenth day of March, as well as on the feasts of Saint Peter in Chains, August 1st, Saint Matthew, September 21st, and Saint Barnabas, June 11th, or on the Sundays immediately following, from midday of the preceding day until midnight of the feast day, celebrate in the Society's own church, if one is found, or in any other public church or chapel,

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with penitent hearts, having confessed and having partaken of the Holy Eucharist, and there offer prayers, as we have stated above. For these days, we grant to all of them, with merciful kindness in the Lord, a plenary indulgence and remission of all their sins. Furthermore, to these members, now and in the future, who are members of the Society of Catholic Truth, we grant that, on any day of the year, with at least a contrite heart, they recite the following prayer, in Latin or in any other language, provided that the translation is faithful: "Ant. You are the Shepherd of the sheep, the Prince of the Apostles, to whom the keys of the Kingdom of Heaven have been given. - V. You are Peter, - R. And upon this rock I will build my Church. - Let us pray. Lift us up, we beseech you, O Lord, through the Apostolic power of your Apostle Saint Peter; that, as we owe so much to ourselves, so may the SomÃ¢a be all the stronger, so that, even with his absence, we may be strengthened, so that, strengthened by your Apostle, we may never yield to sin, nor be overcome by adversity. Through Christ our Lord. Amen," for three hundred days; and whenever, with equal contrition of heart, they visit the Most Holy Sacrament of the Eucharist, and pray before It, near the Catholic Truth Society, we also grant three hundred days from the number of penitential days; and for any day of the year in which they cooperate in the spread of Catholic Truths through the same Catholic Truth Society, reciting the doxology or "Gloria Patri" once, we remove from the number of penitential days one hundred days, according to the custom of the Church. In addition to these, we grant to all and each of the members, if they wish, the permission to expiate the imperfections and penalties of their past lives through the works of piety, and to obtain all the other plenary and partial indulgences that we have enumerated. Furthermore, we grant to those priests who are presently, and who will be in the future, members of the Society of Catholic Truth, the faculty of blessing with a single sign of the cross, prayer crowns, crosses, small crucifixes, and small statues of the Redeemer, the Virgin, and the Saints, and of applying to them all the Apostolic indulgences that are listed in the list published by the Most Holy Congregation of the Holy Office on September 5, 1964; and we also grant permission to bless crucifixes with the application of the indulgences that are...

[*Latin ed. p. 68*]

Acts of the Apostolic See - Official Commentary 68. The Stations of the Cross, or Calvary, are called thus, and those who, being legitimately hindered from standing before the canonically erected Stations, while carrying the Cross itself, devoutly recite the Our Father, the Angelic Salutation, and the doxology, or "Gloria Patri," twenty times, may obtain [the indulgences]. It is also permissible for Priests, both those already enrolled and those to be enrolled in the future in this Society, to apply the altar indulgence to the Masses which they celebrate for the dead, twice a week. Fi-

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nally, desiring to help the souls of deceased members of this same Society, who, being defended by the Catholic Truth, are held in the fire of Purgatory, We grant and concede that all Masses, which are duly celebrated before any altar of any church for the soul of any member of this Society who has departed this life, joined to God in charity, by any approved secular or, with the permission of their Superiors, regular Priest, shall, for the soul for whom they are offered, avail as if they had been celebrated before a privileged altar. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences, and other Apostolic Constitutions and Ordinances, and all other things whatsoever to the contrary. These present [decrees] are valid forever, in the present and future. We decree that, with respect to these present Letters, or copies thereof, even printed ones, signed by a public Notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith shall be given to them as would be given to the present [decrees] if they were exhibited or shown. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the ninth day of May, in the year 1916, in the second year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. • • XIV. TO THE FAITHFUL OF THE PLACE OF "PERTH," DIOCESE OF DUNKELD, FOR THOSE RECITING THE ANGELIC SALUTATION THREE TIMES: FOR THE CONVERSION OF SCOTLAND, CERTAIN INDULGENCES ARE GRANTED. BENEDICT PP. XV. For the perpetual memory of this matter. — The Rector of the Church of the Blessed Virgin Mary of Perpetual Succor of the Congregation of the Most Holy Redeemer in the town of Perth, Diocese of Dunkeld, within the boundaries of [the diocese], reports to Us that a pious practice has long been observed among the faithful in the aforementioned church, namely, that daily, three times, the Angel and Salutation is recited for the conversion of Scotland to the true faith. Therefore, that...

[*Latin ed. p. 69*]

The acts of Pope Benedict XV, number 69, state that this devotion may be increased more and more. Therefore, the undersigned, the Rector of the Church, humbly requests that We grant certain indulgences from the treasure of the Church, by Apostolic benevolence, for those who recite the daily prayers, whether publicly or privately. We, approving of these requests, having heard the Most Reverend Fathers, Cardinals of the Holy Roman Church, Inquisitors General, and confident in the mercy of Almighty God, and in the authority of the Apostles Peter and Paul, grant to all the faithful of that place, of both sexes, who, with at least a contrite heart, recite the Angelic Salutation three times for the conversion of Scotland to the Catholic Religion, that for each time they do so, three hundred days are remitted from the number of days of penance, according to the form customary in the Church. And to those faithful who recite the Angelic Salutation daily

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for the entire month, for the aforementioned purpose, and who, on any day of that month, at their own discretion, having been absolved through sacramental confession and refreshed with heavenly food, attend any public church or oratory, and there offer pious prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We grant, with merciful kindness in the Lord, the full remission and forgiveness of all their sins. Furthermore, We grant to these faithful, if they so wish, that they may satisfy the penalties and expiate the sins of their past lives through these plenary and partial indulgences. Notwithstanding any contrary provisions. This is valid for the present and all future times. We decree that these present letters, or copies thereof, even printed ones, signed by a public notary and sealed with the seal of a person in ecclesiastical dignity or office, shall have the same validity as if the original documents were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's ring, on the fifth day of May in the year 1916, in the second year of Our pontificate. P. a Secretis Status. CARD. GASPARRI, BERLCI, INDULGENTIIS AC XV SANCTUARIUM B. M. VIRGINIS MONTIS PRIVILEGIIS DITATUR. BENEDICT XV. For the perpetual memory of this event. — The Basilica of the Blessed Virgin Mary of Monte Berico, justly and deservedly esteemed, is lit up among the sanctuaries, celebrated by the ancient religion of the Christian people. Therefore, for the spiritual benefit of the faithful.

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis - Official Commentary for those who attend it, as far as it is possible in the Lord, We wish to grant certain indulgences and privileges to them, or, as necessary, to confirm them with Our Apostolic Authority. Therefore, trusting in the mercy of Almighty God and the authority of the blessed Peter and Paul, Apostles of His, and having heard the Most Reverend and Most Reverend Cardinals, General Inquisitors, We grant to all and each of the faithful, of both sexes, who, after having been duly absolved through the sacrament of confession and refreshed with the heavenly food, on each of the days of the feast of the Immaculate Conception, Presentation, Espousals, Annunciation, Visitation, Purification of the Blessed Virgin Mary, on the first Sunday of each month, on the twenty-fifth day of February, and on the twenty-fifth day of August, as well as on one day of their choosing in August, provided that they have attended at least ten times the pious exercise which they call "twelve stars," devoutly visit the aforementioned Basilica from the middle of the day preceding, respectively, until the middle of the night of the days mentioned above, and there pour forth pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, and who perform this action on the aforementioned days, a plenary indulgence; and to all the faithful who, having undertaken

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this pious pilgrimage, come to the same Sanctuary in groups, if during the time of this pilgrimage they partake of the Eucharistic food and offer prayers, as We have said above, We mercifully grant a plenary indulgence for all their sins and remissions. To those faithful who, on any day, with at least a contrite heart, participate in the "twelve stars" exercise in the aforementioned Sanctuary, We grant three hundred days; and for each time that they devoutly kiss the image of Saint Peter, Prince of the Apostles, which is publicly venerated in the same Sanctuary, with the same contrite heart, We remit from the number of penal days, in the usual form of the Church, fifty days. Furthermore, We grant to the aforementioned faithful the permission, if they wish, to expiate the penalties and consequences of sins through all plenary and partial indulgences, as mentioned above, through works of penance. In addition, since it is Our desire to increase the Apostolic privilege of Masses at certain altars of the same Sanctuary, namely the altar of the Blessed Virgin Mary of Monte Berico, and the other altar of the Seven Founders of the Order of Servants of the Blessed Virgin Mary, mentioned above, We hereby, with Our Apostolic Authority, bestow the following privilege: that Masses duly celebrated by any priest at either of the aforementioned altars for the repose of the souls of the deceased will, with all due observances, benefit the souls for whom they were celebrated in the same way as if they had been celebrated at a privileged altar. Furthermore, in order that the spiritual benefit for those who come to the Sanctuary may be greater, We instruct the Rector for the time being of the aforementioned Sanctuary and other necessary priests to—

[*Latin ed. p. 71*]

The acts of Pope Benedict XV, number 71, and by the authority of the Apostolic See, grant, for the necessities of the circumstances, to the Rector, and likewise to those designated by him, the faculty, with a single sign of the Cross, but within the confines of the sanctuary and its adjacent areas, to bless crosses, crucifixes, rosaries, sacred medals, prayerful crowns, and small statues, both of our Lord Jesus Christ, and of the Virgin Mary, and of other saints, provided that these statues are made of metal, and to apply to them the customary indulgences. It is likewise permitted to the Rector of the sanctuary and to the priests delegated by him to apply the indulgences known as those of Saint Bridget, and those known as those of the Fathers of the Order of the Cross, to prayerful crowns. Furthermore, it is granted to the Rector and to the priests mentioned above, observing faithfully the laws of the Church, to grant the plenary indulgence to crucifixes, which may be obtained as often as desired by any Christian in the hour of death, provided that he is properly disposed. Finally, we grant to the Rector for the time being of the sanctuary, and also to the priests designated by him as above, permission to bless, with a single sign of the Cross, without the prescribed formula, the crowns of the Most Holy Rosary,

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and also the crowns of the Blessed Virgin Mary, Sorrowful, and to apply to them respectively the indulgences customarily attached by the Fathers of the Order of the Preachers and by the Fathers of the Order of the Servants of Mary, provided that they possess the legitimate faculty to bless them. Finally, confirming the indulgence granted by the Most Reverend Pope Leo XIII on the eleventh day of the month of December in the year 1885, we grant to this Basilica, under the usual conditions, a daily plenary indulgence. However, we decree that in the sanctuary of the Blessed Virgin Mary of Monte Berico, in addition to the indulgences and privileges which are common to all churches of the Servants of the Blessed Virgin Mary, only those which are described in these documents of Ours shall be considered authentic henceforth. Notwithstanding Our regulations and those of the Apostolic Chancery concerning the granting of indulgences, and other Apostolic Constitutions and Ordinances, and all other things to the contrary, these present documents are valid for all times, present and future. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the twentieth day of May, in the year 1916, in the second year of Our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 72*]

/ / 72 Acta Apostolicae Sedis - Official Commentary XVI

TO ALEXANDER RUSPOLI, A MAN OF DISTINCTION, THE MOST DISTINGUISHED TITLE OF MASTER OF THE HOSPICE OF THE APPOSTOLIC PALACE IS GRANTED.

BENEDICT XV, POPE.

Beloved Son, health and the apostolic blessing.

To the most honorable office of the Hospice of the Apostolic Palace, to the noble family of the Counts, due to the outstanding merits of that family for the Most Blessed See of Peter, by Our Predecessors, together with the office of the Intimate Chamberlain of the Roman Pontiff, hereditarily, as if by right, was attributed; after the death of the most ancient lineage, first to your ancestor Francis, then to your grandfather John, then to your father Francis, most praiseworthy men; and finally, to you, beloved Son, Our Predecessors granted it.

Now, since it seems opportune to Us to increase the dignity of this most important office, by Our Apostolic Authority, by the force of the present document, We separate the office of Master of the Hospice of the Apostolic Palace from the office of Chamberlain of the Roman Pontiff. Therefore, We remove you, who for many years have held the same office with great merit, from the number of Chamberlains who participate in the insignia and the insignia, of whom you are the first, and to your person, separated from

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the other Chamberlains and constituted in a special and distinct order, We grant the most distinguished title of Master of the Hospice of the Apostolic Palace.

We bestow this honor and dignity upon you, so that your ancient faith towards Us and the Holy See, and your outstanding merits in religion, with which you shine, may be rewarded with a special manifestation of Our will. And therefore, We command that you preserve all the rights, precedence, and other privileges, of which you enjoy, by virtue of the duties which you presently fulfill, without any alteration.

Notwithstanding any contrary provisions.

Given at Rome, near the blessed Peter, under the Fisherman's ring, on the twenty-eighth day of May, in the year 1916, in the second year of Our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 73*]

Act of Pope Benedict XV, 73, XVII. GRANTING INDULGENCES TO THOSE WHO RECITE THE ROSARY IN HONOR OF THE BLESSED VIRGIN MARY, COMMONLY CALLED "DI MONTENERO."

BENEDICT XV. For the perpetual memory of this matter.

That these things may foster the devotion of the Christian people towards the Virgin Mary, who is the source of all graces with God, we strive, with that filial piety with which we are urged towards the Mother of Christ, to promote them as far as it is within our power. Indeed, when the Abbot, the esteemed parish priest of the Basilica of "Montenero," supported by the grave authority of the Archbishop of Leghorn, presented us with petitions, so that we might deign to grant certain indulgences from the treasure of the Church to the faithful who, in honor of the aforementioned Virgin, devoutly recite the Rosary: "Most Holy Virgin of Montenero, pray for us," we have considered it a pleasing thing to grant these pious requests.

Therefore, having heard the Most Reverend Fathers, Cardinals, General Inquisitors of the Holy Roman Church, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, we grant to all and each of the faithful, of both sexes, that whenever they, with at least a contrite heart, recite the aforementioned Rosary: "Most Holy Virgin of Montenero, pray for us," in whatever language, provided that the translation is faithful, they shall be released from three hundred days of canonical penalties, according to the usual form of the Church.

Furthermore, we grant to the same faithful the permission, if they so desire, to expiate the imperfections and penalties of their life by this partial indulgence. Contrary things notwithstanding.

This shall be valid for the present, for future times, and for all times. We decree that to these present letters, or copies thereof, even printed ones, if

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signed by the hand of a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith shall be given as if the present letters themselves were exhibited or shown.

Given at Rome, near the blessed Peter, under the Fisherman's ring, on the 1st of July, 1916, in the second year of Our Pontificate.

For His Eminence, Cardinal Gasparri, Secretary of State. N. Sebastian, Prefect of Apostolic Briefs.

[*Latin ed. p. 74*]

Acts of the Apostolic See - Official Commentary 74 XVIII. THE WORK OF THE APOSTOLATE OF CHARITY, ESTABLISHED IN THE MOTHER HOUSE, IS DECLARED A PRIMARY FOUNDATION, AND ITS PRINCIPAL IS DECLARED TO HAVE THE FACULTY OF AGGREGATING OTHER SOCIETIES OF THE SAME KIND, AS WELL AS THE SUPERIOR OF THE POOR SISTERS, EVERYWHERE IN PIOUS HOUSES FOR THE POOR. BENEDICT PP. XV. For the perpetual memory of this matter. – Following the custom of our Predecessor Roman Pontiffs, we strive to adorn and enrich, as far as is fitting and necessary, pious societies of the faithful, established for the exercise of works of Christian piety and charity, so that they may more fully attain the purpose for which they were founded, with special titles and privileges. Among the societies that deserve to be encouraged with the greatest merit, we have found to be rightly and justly deserving of such encouragement that established by the Apostolate of Charity, under the patronage of St. Catherine of Siena, canonically erected in the mother house of the Poor Sisters of the city of Siena. Therefore, when the present Superior General of these Poor Sisters, the beloved daughter in Christ, Savina Petrilli, humbly presented prayers to Us, supported by the grave suffrages of the Archbishops of Siena, so that We might deem it fitting to establish the primary seat of the aforementioned Apostolate in the aforementioned mother house of the Poor Sisters, with the faculty of aggregating other societies, namely, those that are established or are to be established in other pious houses of the same institute, We have considered it right, as far as in the Lord is possible, to grant these requests. Since this is so, after consultation with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for interpreting the decrees of the Council of Trent, by Our Apostolic Authority, by the force of the present document and perpetually, we declare the work of the Apostolate of Charity, under the patronage of St. Catherine of Siena, canonically erected in the mother house of the Poor Sisters of Siena, to be a Primary Foundation, with the customary privileges and faculties. Furthermore, to the Superiors, now and in the future, of the aforementioned pious work of the Apostolate of Charity, thus established by Us as a Primary Foundation, we grant, by the tenor of this document, from the fullness of Our Apostolic Authority, the faculty, to aggregate to

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themselves, observing the *forma* of the Constitution of Pope Clement VIII, Our Predecessor of blessed memory, and other Apostolic ordinances issued above, other societies of the same name and institute, both those already established and those to be established in pious houses of the Poor Sisters everywhere in the world; and to communicate to them, observing what is to be observed, all indulgences and spiritual graces.

[*Latin ed. p. 75*]

The acts of Pope Benedict XV, number 75, concerning those things which have been rightly granted to this same work now and for the future, and which may be communicated with others. We decree that these present letters shall always exist and remain, and shall have and obtain their full and complete effects; and we likewise most earnestly support this pious work of apostolic charity now and for the future: and it shall be rightly judged and defined, and shall be null and void from that time onward, if anything should happen, by anyone, with any authority whatsoever, knowingly or unknowingly, to be attempted concerning these matters. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the 28th of July, 1916, in the second year of Our pontificate. P. CARD. GASPARRI, Prefect of the Sacred Congregation. XIX. ERECTION IN PERPETUITY OF A SODALITY DEDICATED TO THE BLESSED VIRGIN QUEEN OF ANGELS, ESTABLISHED AT THE SANCTUARY OF THE EINSIDLEN ABBEY, AS AN ARCH-SODALITY, WITH THE FACULTY OF AGGREGATION THROUGHOUT THE TERRITORY OF SWITZERLAND. BENEDICT XV. For the perpetual memory of this matter. — Since nothing is more necessary for obtaining graces from the Lord than prayers offered to Him and to His most Holy Mother, especially by those gathered together in faith, we have gladly received the news that a pious sodality of both sexes has been canonically erected in the Republic of Switzerland, under the title and patronage of the Blessed Virgin Queen of Angels, and that it has a fitting seat in the sanctuary of Einsidlen, dedicated to the same Virgin Mother. And it seems to us that the purpose which this association proposes for itself is truly worthy of praise, namely, that, imitating other confraternities of the same name and institution, it shall pour forth supplications to God for the safety of the Supreme Pontiff and for the protection of the entire Church. Indeed, since the year 1864, the first association of this kind, which arose within the territory of the Diocese of Toulouse, was enriched with indulgences by our blessed predecessor, Pope Pius IX, and was erected as an arch-sodality for France. This was followed by a second in Vienna, for the Austro-Hungarian Empire, and then a third in Cologne, for the German territory. A large number of faithful have gladly joined these pious and fruitful institutions, and they will not fail in

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this noble contest of prayers and works.

[*Latin ed. p. 76*]

76 Acta Apostolicae Sedis - The official records show that in Helvetica, both ecclesiastical officials and outstanding Catholic men, having been admitted to the Pious Society, demonstrated filial obedience to the Apostolic See and offered public prayers for its well-being throughout the region. Now, in order that this Society may gather its strength in Helvetica and bear more abundant fruit each day in these harsh times, the pious women, directors and advisors of the Catholic Associations of Women in Helvetica, together with the Rector of the Collegiate Church of Lucerne, who serves as an ecclesiastical assistant among them, humbly made supplications to Us, that We would deign to increase the aforementioned Confraternity with a title and privileges for the entire territory of Helvetica. Therefore, We, being fully persuaded that this work of piety, by which the faithful of Helvetica demonstrate their love for the Roman Pontiff, will always receive greater growth in the Lord, and having considered the excellent intentions, and also with the advice of the Most Reverend Fathers, Cardinals of the Tridentini Council, interpreting its decrees, We have judged it fitting to receive these petitions with benevolence. Wherefore, by the present document, by Our Apostolic authority, We canonically establish and erect the aforementioned pious Confraternity in the sanctuary of the Einsidlen Abbey, outside of any diocese, and We name it the Archisodalitas of the Blessed Virgin Mary, Queen of Angelorum, granting it perpetual privileges, as is customary. To the officials and members of the thus erected Archisodalitas, both present and future, We grant the right, with Our authority, to aggregate to this Archisodalitas, established by Us, all other confraternities of the same institute, whether already existing or to be established in the entire territory of Helvetica, observing, however, the form of the Constitution of Pope Clement VIII, Our Predecessor, and other Apostolic ordinances issued above; and We grant them the power to impart to these confraternities all and each of the indulgences, remissions of sins, and relaxations of penances granted or to be granted by the Apostolic See to the aforementioned Society, now erected by Us into an Archisodalitas, provided that these are to be imparted to others. We also grant and concede, by the same authority, by the force of these letters, the right to do so perpetually. We decree that these present letters shall always be firm, valid, and effective, and shall have and obtain their full and complete effect; and that those to whom they apply, or who may apply to them in the future, shall fully and completely benefit from them in all respects; and that it shall be judged and determined that they are valid, and that any attempt to alter them in any way, knowingly or unknowingly, by anyone with any authority, shall be considered null and void. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's ring, on the twenty-fourth

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day of August, 1916, in the second year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 77*]

Acta of Pope Benedict XV, 77, XX, concerning the banner of the cohort commonly called "The Pope's Gendarmes," distinguished by two gold coins from the hand of the Most Blessed Father.

Pope Benedict XV: For the perpetual memory of this matter.

Since this year marks the one hundredth anniversary of the founding of the cohort commonly called "The Pope's Gendarmes," We have deemed it fitting to commemorate this anniversary in a special way, as far as circumstances permit, so that no one may be unaware of how much We cherish those who willingly devote their efforts to the Roman Pontiff. Therefore, by other Apostolic Letters, issued on this very day, We have granted to the leaders and soldiers of this Pontifical cohort, as many as are presently guarding the security of Our buildings, the authority to bear a medal, which, by Our command, has been struck in commemoration of this auspicious day, and We have further decreed that this concession of Ours shall be valid for those same beloved sons as if they had spent a full year in their service.

But so that the cohort, which has deserved so much from Our predecessors and from Ourselves, may not lack in anything, We have today received the men with a benevolent spirit, and, after congratulating them on this joyous occasion, We have distinguished the glorious banner, placed before Us, with two gold coins from Our own hand, that is, with the medal called "Benemerenti," and with that very medal, the models of which We wish to have struck in Monteu da Po, to be awarded to the leaders and soldiers, as mentioned above.

Regarding this matter, it is Our will that it be publicly known through these Apostolic Letters, so that those to whom We have bestowed this military honor may not, at any time, forget the passage of time and events.

Furthermore, let the soldiers understand that, by this decorated banner, they not only honor their cohort, but are also, as it were, reminded by an image of virtue and faith, to live a life worthy of their vocation, and to perpetually observe and maintain the obedience due to the Roman Pontiff.

Given at Rome, near the blessed Peter, under the Fisherman's ring, on the twentieth day of October, in the third year of Our pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis - Official Commentary on the LETTER to Reverend Father Henry Rater, concerning the Priesthood. » LE FLOCH, concerning his work, entitled "Les Gallici in Urbe Élites Sociales Modeet," of-

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fers his most cordial greetings.

Beloved Son, We ourselves have learned, with particular interest, of your beautiful and profound study: "The Social Elites and the Priesthood," a work of great importance due to the lively thoughts it contains and the very lucid exposition you have provided regarding a question essential and paramount for the Church and for society in all ages, and which, in the present times, possesses an even more serious character. For it is not only in France that the number of evangelical laborers is no longer sufficient for the harvest of souls. In several other Catholic countries, the scarcity of sacred ministers is also sadly felt, and you have performed a very useful and salutary work in reminding, with great elevation of judgment, that all classes of society have the duty of responding to the grace of the call to the priesthood. You obeyed a very opportune inspiration in publishing your study amidst the tragic events of the war, in circumstances that are favorable to the elevation of minds towards higher things and are very conducive to the meditation of all duties. The priesthood is the light of the world and the salt of the earth; it is, as you very aptly say, the honor of families and the bulwark of societies. Its role can only be of the highest order in future restorations. We therefore desire, accordingly, that all Christian hearts associate their efforts and their prayers in a holy crusade. May fathers and mothers of families not fear to direct the gaze of their children towards the radiant lights of the sanctuary; may priests charged with souls devote all their zeal to discovering and cultivating predispositions to the priesthood; may Christian teachers have this constant concern in the work of teaching.

[*Latin ed. p. 79*]

From the Acts of Pope Benedict XV, 79, and noting that bishops give impetus and coordination to all these efforts. As a pledge of heavenly favors and as a testimony of Our paternal benevolence, We wholeheartedly grant to you, to the students, present and absent, of the Pontifical French Seminary, the benefit of the apostolic blessing. From the Vatican, August 9, 1916. BENEDICT XV. TO OUR BELOVED SON, IN THE HUNDREDTH YEAR SINCE THE FOUNDATION OF THE INSTITUTE OF THE LITTLE BROTHERS OF MARY, WHICH HE HEADS. Beloved Son, greetings and the apostolic blessing. — To form the minds and souls of children is truly a work such that nothing seems to be of greater importance to human society. For childhood is the cause and the seed of the future; and from those who today are guided by precepts and instructed, it is easily gathered what their future conduct will be, both privately and publicly. Understanding this well, those who are partakers or allies of that faction which wages eternal war against the Church, most carefully guard and retain control of public education, realizing that if they once alienate youth from Christ, they will progress with swift steps towards destroying the Christian form of the

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state. But the divine goodness, which, as always, has opportunely aided the Christian people in this matter, is to be praised and proclaimed; and men, illuminated by its counsel and endowed with its virtue, have been aroused to restrain wicked endeavors and to oppose schools to schools, for the salvation of youth. In this number, in which the names of Joseph Calasanctius and John Baptist de la Salle are most prominent, Venerable Servant of God Marcellinus Champagnat, the author and father of the Little Brothers of Mary, holds a place not least among them, to whom, beloved Son, you preside; whose Institute will soon celebrate its hundredth anniversary, as you have informed Us. Indeed, he who considers the state of education, not only in France but throughout Europe, a hundred years ago, will see that the merciful benefit of God has brought this about, which has fostered Christian wisdom.

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis - Official Commentary: "These fundamental principles, almost forgotten after that great upheaval of events, are recalled to establish this discipline." Furthermore, "if we consider the space of this century that has now passed, it will become apparent how divine help, joined with the present patronage of Mary, has wonderfully aided that venerable man and his students until this day, so that the growth of this Institute, progressing through numerous and great difficulties, has far surpassed human expectations. Therefore, it is fitting that all those who are devoted to the Church and to the homeland, and giving thanks to God with you, and heartily congratulating you, should share in your solemnities and joys. And We, as is proper, are the first to do so, and indeed with great pleasure: and also, so that this joy may bear greater fruit, We grant, by our apostolic authority, that wherever among you a solemn Mass or other prayer service is held on that blessed day, whoever participates in that Mass or prayer service shall, under the established conditions, obtain complete remission of sins. And you, continue to merit, as you have begun, the best rewards for the Church and for civil society, and let your salutary work be especially pleasing to the Lord, through those virtues with which the inheritance you have received from the lawgiver Father is most strongly contained: humility of mind, simplicity, and modesty. With this adornment of virtues, you will always be held in a special way dear and accepted, as those who are worthy of such a Father, and you yourselves will become a father to your sons. May it soon be granted to Us to enroll you among the blessed in the heavens: which thing will certainly contribute greatly to the promotion of the Institute. In the meantime, as a pledge of divine favors and a witness of Our paternal benevolence, We lovingly impart to you, dear son, and to all and each of the Little Brothers of Mary, our apostolic blessing. Given at Rome, at St. Peter's, on the Feast of the Nativity of Jesus

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Christ, in the year 1916, the third year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 81*]

Decrees of Pope Benedict XV, Act 81, Section 3, Addressed to John, the Most Reverend Cardinal Gsernoch, Archbishop of Strigonium, and to the other Archbishops and Bishops of Hungary, concerning filial veneration, a yearly testimony, presented in accordance with common letters celebrated by them, with due observance, expressing gratitude.

Beloved Sons and Venerable Brothers, greetings and the apostolic blessing.

We are greatly delighted by your common letter. For what is there in it that does not declare your piety towards Us, your concern for the flocks entrusted to you, and your diligence? Indeed, the force of this cruel war has not prevented you from holding your annual meeting; you have devised the most suitable plans for the time, plans that are most pleasing to Us; you have demonstrated your active charity, and you have accumulated numerous and weighty concerns for the flocks, signifying the utmost devotion to Us. Only one thing remains to be hoped for from God: that He, who has given you such a good mind, may also provide the seed to those who sow, and may increase the fruits that your labor has produced.

Furthermore, with regard to these difficult times for common affairs, we see that your sentiments are in complete agreement with our own, and that you are deeply concerned about what causes us distress. Therefore, it is fitting that you also grieve over the prolonged duration of the war, and that you earnestly implore God with fervent desire for the most longed-for peace. And indeed, the matter has now reached the point where it is necessary to hasten to devise plans for achieving peace, and to redouble efforts. May those who are in a position to do so quickly discover the path to peace, and may they courageously pursue it, for the fate of so many people is in their hands!

May the blessing of God be a witness to the divine gifts and to the testimony of Our apostolic benevolence, which We impart to you, beloved Sons and Venerable Brothers, and to each member of your clergy and people, with all Our heart in the Lord.

Given in Rome, at St. Peter's, on the eleventh day of January, in the year 1917, in the third year of Our pontificate.

BENEDICT XV.

ACTS, Volume IX, No. 2. — 1-2-1917. 6

[*Latin ed. p. 82*]

82 Acta Apostolicae Sedis - Official Commentary ACTA OF THE HOLY CONGREGATIONS. SACRED CONSISTORY CONGREGATION I. CON-

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CERNING A CHANGE OF THE BOUNDARIES OF THE DIOCESES OF BONONIA AND RAVENNA.

Since it is beneficial to resolve the origins of questions which sometimes arise in the Church, the Most Holy Pope Benedict XV, after consultation with the Sacred Consistory Congregation, has decided to complete what his predecessor of blessed memory, Pope Pius X, had already begun concerning the boundaries of the Dioceses of Ravenna and Bononia.

Indeed, while the town commonly called Molinella belongs to the Diocese of Bononia, a certain portion adjacent to the town of Molinella, which is called the locality of Marmorta, belongs to the parish of Marmorta and to the Diocese of Ravenna. Because of this, there have been not a few difficulties, especially in these recent times. Therefore, after having heard repeatedly from the Ordinaries of both Dioceses, and after having provided what was necessary, with the consent of all those who have an interest, or are presumed to have an interest, the Most Holy Pope, with full knowledge and mature deliberation, and by the fullness of Apostolic power, has decided and decreed the following:

1. The place called Subsidium of the locality of Marmorta, which until now has belonged to the parish of the same name and to the Diocese of Ravenna, is now assigned and incorporated to the parish of the town of Molinella and to the Diocese of Bononia.

2. It is the duty and office of the Ordinary of Bononia, and of the parish priest of Molinella, to ensure that the church of the Subsidium of the locality of Marmorta is maintained with the same dignity as it currently enjoys, so that no complaint arises from that part of the people or from others who have an interest.

3. Conversely, the same Most Holy Pope decrees that the Diocese of Bononia shall cede to the Diocese of Ravenna the parish of the place commonly called Portonovo, so that this parish shall henceforth belong to the Diocese of Ravenna, and that the boundaries of this Diocese shall be extended in this area so as to include the entire territory of the aforementioned parish of Portonovo.

4. Finally, the current...

[*Latin ed. p. 83*]

The Sacred Congregation Consistorial has decreed: The Archbishop of Ravenna, in order to please His Holiness, has declared that he cedes all rights which he previously held over the altar of Saint Apollinaris in the Archpriestal church of Molinella to the then-Archpriest of Bologna. His Most Holy Lordship has approved and confirmed this cession. Furthermore, His Most Holy Lordship has deigned to appoint the Most Reverend and Most Illustrious Cardinal D. Giulio Boschi, Archbishop of Ferrara, to carry out the execution of these matters, granting him the necessary and

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appropriate powers, including the power to delegate others, to achieve the aforementioned purpose. Moreover, the same Most Reverend Cardinal is obligated to send an authentic copy of the completed execution to this Sacred Congregation within three months. Finally, concerning these matters, His Holiness has ordered that this consistorial decree shall be valid as if Apostolic Letters sealed with the papal seal had been issued, notwithstanding any contrary provisions, with special mention and consideration given to the aforementioned. Given at Rome, from the Secretariat of the same Sacred Congregation Consistorial, on the 3rd of January, 1917. [Signature] C. CARD. DELAI, Bishop of Sabina, Secretary. L. © S. f V. Sardi, Titular Archbishop of Caesarea, Assistant.

II. APPOINTMENTS OF CHURCHES. By the decrees of the Sacred Congregation Consistorial, His Most Holy Lordship, Pope Benedict XV, has provided the following churches with pastors:

January 2, 1917. – He appointed the Reverend D. Augustine Leynaud, parish priest of the place of Sousse in the archdiocese of Carthage, as the Prefect of the Metropolitan Church of Algiers.

January 12. – He promoted the Reverend Father Clet Cassani, formerly the titular Bishop of Thaciamontensis, as the Prefect of the Metropolitan Church of Turrita (Sassari).

January 18. – He appointed the Reverend D. Aurelius Bacciarini, Superior General of the Servants of Charity, as the Prefect of the titular episcopal church of Dauli, and he established him as the Apostolic Administrator of the church of Lugano.

January. – He appointed the Reverend Father Placid Angel Rey Lemos, Definitor General of the Order of Friars Minor, as the Prefect of the titular episcopal church of Hamatha.

[*Latin ed. p. 84*]

Acts of the Apostolic See - Official Commentary

SACRED CONGREGATION OF THE COUNCIL

DECREE CONCERNING THE LAW OF ABSTINENCE.

In the approaching Lent, the pious Church has always been diligent in regulating ecclesiastical laws according to the particular circumstances of things and times, and in relaxing them whenever it seemed necessary for the good of souls. Therefore, since several Holy Priests recently reported to the Apostolic See that, in regions afflicted by the present war, the law of abstinence would be excessively burdensome during the upcoming Lenten season, not only on the weekdays of each week, but also on the following day, namely the Sabbath, as previously observed, the Most Holy Pope

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Benedict XV, showing special benevolence towards all the faithful of those nations, decided and decreed to assist, as far as He could, in the needs by which they are presently burdened. Therefore, the same Most Holy Pope, after consultation with the Fathers of this Sacred Congregation of the Council and by the fullness of Apostolic power, has deigned to grant that, during the entire upcoming Lent, while the law of abstinence remains in force as before, namely on the weekdays of each week, as well as on the feast day of Ash Wednesday and the feast day of the Four Weeks, all of the aforementioned Christians may, on any day of each week, observe the same law of abstinence in place of the Sabbath. Furthermore, to these faithful, His Holiness grants that, during this Lenten season, meat and fish may be mixed in the same meal. The Holy Pope benignly approves that, with regard to the observance of abstinence according to the general prescription of the Church, and according to the prudent judgment of their own Prelate, all members of religious orders and congregations of both sexes residing in the aforementioned regions, who are not bound by a special vow of fasting or abstinence, may make use of this double dispensation. Finally, concerning all of the above, it is ordered that this be observed; all that is contrary notwithstanding. Given at Rome, from the Secretariat of the same Sacred Congregation of the Council, on the 19th day of the month of January, in the year 1917.

F. CARD. CASSETTA, Bishop of Tusculanus, Prefect.

L. S. Ioseph Mori, Secretary.

[*Latin ed. p. 85*]

SACRED ROMAN ROTA. ACTS OF THE TRIBUNALS. BONAERENSE.

During the happy reign of Pope Benedict XV, in the second year of his pontificate, on the 5th of April, 1916, the Most Reverend and Most Learned Fathers, William Sebastiani, Dean, Ponens, Seraphinus Many, and Peter Rossetti, Auditors, in the cause of Bonaerense – Remotionis, between the plaintiff, Reverend Hector Dito, represented by his lawful procurator, Christopher Astorri, advocate, and the defendant, the Roman Capitol of Buenos Aires, represented by his lawful procurator, Reverend Nazareno Patrizi, advocate, in the degree of appeal against the sentence of the Rota of the 8th of February, 1913, pronounced by Reverend Hector Dito, rendered the following final judgment.

Reverend Hector Dito, of the diocese of Gassen, having resided for several years in the diocese of Buenos Aires, with the permission of the Most Holy Council and of the proper Ordinary, on the 4th of July, in the year 1899, obtained a chaplaincy in the major church of Buenos Aires, and after eleven months, he was again received as a choral chaplain by the chapter

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in the year 1906. Meanwhile, since the chaplains frequently served in other churches on feast days, for the sake of greater profit, the service of the choir in the metropolitan church was neglected. Therefore, wishing to remedy this abuse, the chapter, by unanimous consent, decided that, in the future, preference should be given to those priests who would obligate themselves to celebrate the sacred rites (being paid a stipend) on Sundays and feast days in the cathedral church, and that "actual mansionaries should be given the option between a choral chaplaincy with the obligation of celebrating the sacred rites in the cathedral church on Sundays and feast days, with a stipend, and another chaplaincy, by which they would enjoy [benefits] outside the metropolitan church."

Reverend Dito, who had also been a chaplain of the College and of the Church of the Immaculate Conception, refused to comply with this law, and was therefore declared [unfit] by the Chapter.

[*Latin ed. p. 86*]

86 Acta Apostolicae Sedis - Official Commentary concerning the notification of the choral chaplaincy. This was received with great distress by the Reverend Dito, who, having obtained a pontifical commission, brought the case of the Chapter of Buenos Aires before the H. S. Auditorium, and on February 8, 1913, a judgment was issued, by which it was decided that Reverend Dito had not been improperly removed from his office, and that he should be condemned to pay all expenses and honoraria of the opposing party's advocate. Having been defeated by this judgment, he appealed to the subsequent term, insisting on a new investigation to be conducted by the Pontifical Delegate, according to the articles presented by him, with specific witnesses to be proposed. The Delegate assigned the Provincial Bishop, I. Nepomucenum Terrero, formerly a canon of the Church of Buenos Aires, to the case, before whom the Chapter itself presented the articles and witnesses, without Reverend Dito being heard. From this, the advocate for the plaintiff raised an incidental question concerning the delegation and, indeed, the suspected judge, and also concerning the formal request for an inquiry made by the Chapter, which incidental question, according to my decree of December 11, 1914, must also be decided along with the merits of the case. Therefore, the question is: Should the final judgment of February 8, 1913, be confirmed or overturned in this case? Regarding the law, it is well known in law the distinction between a titular and a manual benefice. Titular benefices enjoy two types of perpetuity, objective and subjective, while manual benefices enjoy only objective perpetuity. Therefore, a holder of a titular benefice cannot be removed from his benefice except in cases and in ways expressly stipulated by law. Indeed, a new burden cannot be added to him by an explicit provision of Canon 12, which states: "Ecclesiastical benefices shall be conferred without diminution, unless the necessity of the Church demands it for the service of the Church... for benefices are

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instituted for the service of the Church." De Angelis, in the cited title, n. 2. A holder of a manual benefice can be removed. The canonical doctrine concerning such a removal is explained by Reiff, in the title "De Praebendis," n. 44-45, in these words: "Manual benefices are those which are not conferred upon anyone in perpetuity, but at the will of the grantor, or of another, so that the beneficiary can be removed at will by the grantor himself. Thus, Gonzalez states in register 8 of the 'Cancellaria... and in re communis.' And such manual benefices are also called revocable, because, indeed, at the will of the grantor, or of another to whom such power is reserved, they can be revoked... It is added in the definition, 'at the will of the grantor, etc.,' that is, 'at the free and absolute will, and not necessarily regulated,' García s... Pyrrus Corradus... Therefore, he who has the power to remove the chaplain 'at will,' is not bound to observe the law... and can even remove the chaplain 'without cause,' provided that there is no malice, and present another." The same is held by Lotterius, De re beneficiaria, lib. I, q. 35.

[*Latin ed. p. 87*]

S. Romana Rota 87 n. 19; Le Luca, De beneficiis, page 97, n. 8; Pignatelli, Consultationes can., vol. 9, cons. 143, n. 27; Barbosa, Ius Ecclesiasticum universum, book III, chapter 6, n. 65, etc. And it is received in the Sacred Roman Rota, as is evident, from three decisions, which De Luca, in the aforementioned passage, calls "masterful," in Seville on April 20, 1640, June 21, 1641, and June 22, 1642; the last of which, confirming the two previous ones, was published by the printers among the "Recentiores," part IX, vol. I, decision 116. Therefore, the rule, indeed the common law, is that in manual benefices, or those removable at the will of the grantor, the removal of the beneficiary can be made by him who has the right, even without a cause, provided malice and hatred are absent. However, since every act of ecclesiastical administration must be prudent, it must be admitted that a reasonable cause is required for the lawful removal of the beneficiary (although, without such a cause, it would still be valid); and this is written by the Doctors, especially the more recent ones, e.g., Santi in tit. De officio vicarii, n. 12-13; Wernz, Ius decret., vol. II, n. 836, and others. As for the facts, the Fathers noted in the chapter of the Metropolitan Church of Buenos Aires, in addition to the dignities and canons, there are ten mansionaries, as stated in the bull of erection of the metropolitan chapter of March 5, 1865, and this is further explained in the decree of execution of the aforementioned bull of February 1, 1867, in these terms: "We establish ten mansionaries, or 'chaplains of the choir,' who shall be ecclesiastical benefices conferred, as had previously been established, who are obligated daily to assist the choir in the morning and evening, to perform the office of deacon and subdeacon in sung Masses on alternating weeks, and to wear a cape and scepter in the evening and in solemn Masses..." "The dignities, canons, mansionaries, and other benefices, and offices thus established,

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shall enjoy the revenues assigned to them in the law of expenses of the civil Government (commonly called the preventive budget), which shall be considered as ecclesiastical revenues, given that they are granted in order to fulfill the obligation that incumbent upon every Catholic Government to maintain the worship and its ministers." Although in this decree the choral chaplaincies are called ecclesiastical benefices conferred; it is certain that, at least from the year 1871, they began to be granted to priests as mere ecclesiastical offices, precarious and at the will of the grantor, as the canons state in a declaration of January 16, 1912, a declaration which the Archbishop has testified to be true. The reason for this may perhaps be found in the fact that, since the Government did not make a special endowment of these choral chaplaincies, but only a general and small one, drawn from the sum assigned in the aforementioned law of expenses of the Republic for the service of the chaplaincies of the Archdiocese, there was no proportion between the perpetuity of the beneficial bond and the small endowment. In the year 1894, a special endowment was added to the aforementioned law of expenses of the Republic.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis - Commentarium. Officially, this pertains to chaplains of the choir, but only for two; hence, from this year, two of the ten choral chaplaincies began to be conferred upon clerics as true benefices; the remaining eight were granted as mere and precarious ecclesiastical offices. This practice, as has been stated, dates back almost to the very beginnings of the Metropolitan Chapter, and it is clear to all that it is of the utmost importance. Custom is the best interpreter of any acts, decrees, and provisions, indeed, it is the queen of interpretations, as Barbosa asserts in *Vota decisiva*, XXXII, n. 48, and as the Sacred Roman Rota has held in numerous decisions; see, for example, among the more recent ones, decree n. 6; decree 109, n. 7; decree 194, n. 10, Part IV, vol. 2; decree 161, n. 1, Part V, vol. 1; decree 462, n. 3; decree 560, n. 11, Part V, vol. 2; decree 14, n. 4; decree 247, n. 7, Part VII; decree 15, n. 4; decree 239, n. 3, Part VIII, etc. And it should be noted that custom does not operate by way of prescription, but by way of interpretation, as is evident from the very nature of custom and from the aforementioned decisions of the Sacred Roman Rota. Therefore, it is sufficient to extend custom to such a period of time that the judge can prudently estimate the true intent of the contract, or of another disposition. Since, in our case, custom has been maintained for a period of 30, even 40 years, there is no doubt about the legitimacy of the actions of the Chapter and the Archbishops of Buenos Aires in conferring or assigning choral chaplaincies. With these observations made, the Fathers declared that the Reverend Hector Dito was not granted the chaplaincy as a true benefice on July 3, 1906, but rather that it was only assigned to him as an office for a time. Indeed, 1° The choral chaplaincy was given to him without canonical

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institution. In the chapter records, the nomination of the Reverend Dito is recorded as follows (July 3, 1906): "Having informed the administrator, Dr. Lonertet, that another choral chaplaincy would soon become vacant, since the Reverend Milano was leaving the country, it was left to the judgment of the administrator to choose first the Reverend Giorgio Zuccarelli to see if he knew Gregorian chant and had a good voice, otherwise the Reverend Hector Dito." However, since the Reverend Zuccarelli did not possess the required qualities, the administrator chose the Reverend Dito. Since the Archbishop of Buenos Aires had no part in this nomination, there was no canonical institution; for this institution, according to the bull of erection of the metropolitan church, is reserved to the Archbishop; for we read in this bull: "Whenever in the future vacancies occur in dignities, or in canonries, or in prebends, or in parishes within the entire archiepiscopal diocese, until otherwise decreed by this Holy See, they shall be conferred by the Archbishop himself, with all that is prescribed by the sacred..."

[*Latin ed. p. 89*]

S. Bomana Bota 89: «constituitur a canonibus, et praesertim a Sancta Tridentina synodo». Hinc, ad normam huius bullae, quando agitur de capellaniis choralibus vere conferendis in titulum, scilicet, pro titulo ordinationis, capitulum non se intromittit, nisi forte pro designatione, aut praesentatione capellani, et collatio fit ab Archiepiscopo, ut capitulum exponit in dicta declaratione n. 6-11, et uti notorium est in illa cathedrali. Igitur, á capellanía, quam a solo Capitulo recepit sac. Dito, exulat collatio canonica, proinde non est, nec esse potest, verum beneficium ecclesiasticum, sed tantum officium, ex regula I Iuris in VT, quae ait: « Beneficium ecclesiasticum non potest licite sine institutione canonica obtineri». Nomine autem institutionis intelligitur quaelibet legitima provisio, et nomine canonicae institutionis modus providendi a ss. canonibus approbatus et a Praelato derivatus (Synopsis Pirhingiana seu ss. can. Doctrina, lib. III, tit. V, sect. IT, § 1). Patronus sac. Dito admittit quidem solum capitulum nominasse hunc sacerdotem in capellanum choralem, sed contendit hanc capituli nominationem fuisse veram collationem. « Non deest, inquit, ecclesiasticus collator, qui est capitulum ipsum ; notum est enim in iure nostro haud prohibitum esse capitulis cathedralibus conferendi beneficia vacantes in eisdem cathedralibus, dummodo consuetudo legitima, prout in casu ipsum capitulum comprobat, habeatur». Verum etiam admisso quod iuri nostro non repugnet (licet hodie sit rarissimum) ut capitulum sit vere collator quoad quaedam beneficia ecclesiae cathedralis, in specie capitulum Bonaerense non est collator quoad capellanías chorales, quia, ipsum capitulum fatetur, quod quoties ab eo datae fuerint praefatae capellaniae « toties datae sunt absque collatione canonica et ut plurimum absque interventu Praelati, nec tanquam ecclesiasticum beneficium, sed ut simplex officium precarium et ad nutum». Ex quo intelligitur, prosequitur capitulum, « cur capel-

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lani chorales nunc existentes (illis duobus exceptis, qui ad talium capellaniarum titulum ordi nati sunt) non sese auùiment ita ligatos Ecclesiae, ut nequeant cum summa facilitáte deserere officium suum, praemissa tantum notificatione sui discessus. Vel ipse actor (Dito) qui iam antea fuerat capellanus chori in hac Ecclesia, suum munus dereliquit, ut in patriam rediret, et postea, cum hanc Dioecesim repetere!, expostulavit a nonnullis singillatim capitularibus, ut iterum nominaretur capellanus chori, cum nova vacatio contigisset». Neminem autem latet clericum canonice institutum in beneficio, non posse eidem nuncium mittere nisi ex causa a superiore adprobanda. 2° Non solum defuit collatio canonica, sed nullam accepit sac. Dito a capitulo factae suae nominationis scripturam.

[*Latin ed. p. 90*]

90 Acta Apostolicae Sedis - Commentarium Officiale "notwithstanding (referring to the chapter in the aforementioned declaration) the general practice "currently in force with us" of conferring "in writing" any nomination or even to the most "simple ecclesiastical offices." 3° Furthermore, the aforementioned sacred person could not have been conferred the choral chaplaincy permanently, nor as a title, for two reasons: a) Because, as is read in the aforementioned chapter of the declaration, "there is no case in which choral chaplaincies of this Metropolitan Church Cathedral, which have been declared by the Archbishop, through the execution of the bull of erection, to be ecclesiastical benefices, have been canonically conferred by ordained priests, not even those of the original priesthood of this diocese, but only to clerics being ordained, and as a title of ordination." b) Because the Reverend Dito obtained permission from the Sacred Congregation to remain in the Archdiocese of Buenos Aires only for five years. It is irrelevant that the Advocate for Dito states that a true benefice can also be conferred upon a non-diocesan cleric. What must be considered here is not what could have been done, but what was actually done. It is established in fact that the Chapter conferred upon the aforementioned sacred person the chaplaincy according to the custom and practice of conferring it, or as an ecclesiastical office at their discretion. Since, therefore, the Reverend Hector Dito received the choral chaplaincy from the Chapter of Buenos Aires not as a title, but as an office at their discretion, he could be removed from it even without cause (except for malice or hatred). But a cause did exist. It must be remembered, as we have indicated, that choral chaplains of the metropolitan church were accustomed to accepting another chaplaincy in other churches or chapels of the diocese, by virtue of which they were obliged to celebrate Mass on Sundays and holidays in those churches or chapels. Therefore, on those aforementioned Sundays and holidays, they were often absent from the choir of the cathedral church, and it was difficult to find those who would serve as deacon and subdeacon at the chapter Mass, besides the fact that there was not a sufficient number of priests to

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celebrate the Masses necessary for the service of the metropolitan church. To avert these serious inconveniences, the Chapter decided to prefer, in the future, for the office of choral chaplain those priests who would accept the obligation of celebrating Mass on Sundays and holidays in the cathedral church; and with regard to the choral chaplains already appointed, it was decided that they should also assume the obligation of celebrating Mass in the cathedral on those days, or relinquish the choral chaplaincy. Meanwhile, since the choral chaplain Hector Dito enjoyed another chaplaincy in the Church of Saint Mary Immaculate, this obligation was imposed upon him, which, when he refused to accept it, was considered as a renunciation of the choral chaplaincy. From these facts, it is clear that the Chapter had a just cause for removing the aforementioned sacred person from the choral chaplaincy. The Chapter's right,

[*Latin ed. p. 91*]

Saint Bonaventure states that it was indeed the duty to ensure that as many Masses as were required for the good of souls were celebrated in the cathedral church on Sundays and feast days; and that the choral chaplains should attend the choir and the chapter Mass on those same days, fulfilling their office. Therefore, the action of the chapter should be considered most just and proper, and any hatred or malice towards it should be removed. For this burden was not only imposed upon the Reverend Dito, but upon all other removable chaplains. And if the Reverend La Gatta was excepted, this is of no consequence; for the exception of one person does not prevent a certain law or regulation from being declared and truly general. Nor should it be said that the chapter was unable to impose a new burden upon the already designated choral chaplains. For, with regard to the two choral chaplains who were ordained to the title of chaplain, the chapter could not impose, and in fact did not impose, the aforementioned burden of celebrating Mass on Sundays and feast days in the cathedral, notwithstanding the canonical rule concerning benefits "to be conferred without diminution." But with regard to other chaplains, their chaplaincy is not an ecclesiastical benefice, but rather a simple, precarious office, granted at the will and pleasure, and therefore the aforementioned rule does not apply. Furthermore, if it is permissible for the choral chaplains, as stated above, to withdraw from their office at will, provided they only inform the chapter beforehand and obtain its consent, even if this results in detriment to the church or the divine service, it is also permissible for the chapter, for a just reason of necessity or utility to the church, to 'regulate the service of the chaplains,' even if this causes some inconvenience to the chaplains; for the good of the church should be preferred to the good of individuals; and this is all the more so if compensation were given for the inconvenience, as in our case, where the chapter gives an alms for the Mass celebrated on Sundays and feast days in the cathedral. Furthermore, all witnesses, except

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for the Reverend Luongo in his response to the fourth question proposed by the Patron of the Reverend Dito, testify that the Reverend Dito has suffered no harm as a result of the burden imposed upon him by the chapter. Finally, the difficulty arising from canon 36 of the Apostolic Chancery regarding the three-year possessor remains to be resolved. But this rule does not apply to benefits, or manual offices; for the nature of these, since they can be withdrawn at will, is contrary to the perpetuity that flows from three years of possession. Thus, Flaminius, *De Besignatione beneficiorum*, book XI, question 3, number 35. Furthermore, although given and not conceded, this rule cannot in any way be applied to benefits, or to choral chaplaincies, of which we are speaking. For the mere and bare possession of three years is not sufficient to effect the rule, but it is required that the benefice be held by at least a colorable title, that is, either by election, or by...

[*Latin ed. p. 92*]

92 Acta Apostolicae Sedis - The official commentary states that the institution, whether by appointment or by a legitimate bestower, which is derived from the very wording of the rule, and explains Riganti ad Reg. XXXVI, n. 90, with these words: "Beyond a three-year possession, in order for the rule to be valid, a title is also required. These two things must concur together, namely, the title and the possession; so that a title without possession, and possession without a title, is not sufficient. For in temporal matters, mere possession may suffice... but it is different with benefices, which cannot be obtained without canonical institution." But that the Reverend Dito possessed his chaplaincy not by any of the titles now enumerated, but by a mere appointment from the chapter, which certainly was not a legitimate institution, and that he could not be considered a bestower, has been sufficiently demonstrated above. Having explained these matters concerning the merits of the case, the Fathers considered it necessary to respond to the difficulties that the Reverend Dito's advocate presented against the newly instituted rule. And first of all, they noted that the rule was not null, because it is known in the Sacred Roman Rota that no other causes of nullity are to be considered except those that result from three substantial defects, namely, a lack of jurisdiction, a lack of citation, and a lack of mandate, to which a fourth is added in the Constitution *Sapienti consilio* of Pope Pius III, canon 27. Then, that the chapter of Buenos Aires proposed questions to witnesses, unknown to the Reverend Dito and unknown even to His Superiority, this indeed was done contrary to the prescriptions of our rules, but no detriment was caused to the advocate. For in the ecclesiastical forum, since everything is recorded in writing, "sufficient consideration is given to the legitimate defense of the parties contending, to whom only, and not to others, are the judicial proceedings disclosed" (Lega, *De Iudiciis*, p. 1, vol. V, § 7, n. 296). Furthermore, the Fathers never made use of the witnesses proposed by the chapter in the examination

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and definition of the controversy. Then, the same advocate adds that the chapter, before the rule was instituted, had convened all the chaplains at its own place, and had threatened and bribed them to testify in favor of the chapter; and he requests that a special investigation be made into this subornation of witnesses. But it is well known that a special, indeed a very special, investigation cannot be made, i.e., into a certain crime against a certain physical or moral person, unless there has preceded a defamation, as was formerly said (Bonix, *De iudiciis*, vol. II, p. 61), or at least, as is commonly said today, unless there are serious indications of a crime that has been committed: so that, namely, the person denounced by such an investigation is not defamed. Furthermore, in this case, no argument or indication of any weight is presented regarding the subornation. Indeed, two witnesses, namely, the Reverend Aloysius La Gatta and the Reverend Anthony Luonso, gave many testimonies contrary to the chapter, which is a sign that the witnesses were very free to speak.

[*Latin ed. p. 93*]

On the ninth day of September, in the year 193, concerning the subdelegation! The Most Reverend Bishop I. N. Terrero, who is said to be suspected, because he formerly was a canon of Buenos Aires, stated that the aforementioned advocate had requested that a delegation be made by the Holy See Tribunal, the Apostolic Intendant, because he suspected the Buenos Aires Curia. But this request could not prevent the subdelegation itself from being carried out, because the advocate himself must have understood that it would be extremely difficult to impose the office of judge-instructor definitively. This is indicated by the Intendant himself, who wrote in his letter: "I do not believe it is appropriate, for reasons that will not escape your perspicacity, to personally carry out the aforementioned instructions," etc. Furthermore, the fact that the Most Reverend Subdelegate belonged to the Buenos Aires chapter sixteen years ago does not suffice to make him suspected today. Finally, the Fathers declared that the new request for an instruction should be denied, especially because the matters presented in the aforementioned instruction had already been sufficiently addressed in the previous instruction. After having carefully and diligently considered all of these things, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, invoking the name of Christ, decree and pronounce that the final sentence of February 8, 1913, should be confirmed, even with regard to the expenses, all of which, including the fees of the advocate of the opposing party, must be paid by the aforementioned party; that is, to the proposed question, we respond: Affirmative to the first part, Negative to the second. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains, to order the execution of this our definitive sentence, and against those who resist, to proceed according to the sacred Canons, especially chapter 3, session

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XXV, concerning reforms, of the Council of Trent, using the executive and coercive means that will be most effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the fifth day of April, 1916. William Sebastiani, Dean, Presiding. Seraphinus Many. Peter Rossetti. L. S. From the Chancery, May 6, 1916. Sac. T. Tani, Notary.

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis - Official Commentary of the DIARY of the ROMAN SACRED CONGREGATION OF RITES. On January 16, 1917, in the Apostolic Palace at the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the introduction of the cause of Beatification was presented, namely, the declaration of the martyrdom of the Servant of God, Margherita Butan, of the Daughters of Charity of Saint Vincent de Paul, who, it is said, was killed in hatred of the Faith.

SECRETARY OF STATE, BY ORDER:

With tickets from the Secretary of State, the Holy Father deigned to appoint:

January 22, 1917.

Mr. Comm. Avv. Anthony Burri, and Mr. Comm. Avv. Francesco Pacelli, as Consistorial Advocates.

Mons. Domenico Mariani, Secretary of the Cardinal Commission administering the goods of the Holy See.

January 27.

Mons. Sante Tampieri, Clerical Prelate of the Reverend Apostolic Chamber.

Mons. Francesco Marmaggi, Under-Secretary of the Holy Congregation for Extraordinary Ecclesiastical Affairs.

Mons. Alessandro Rugani, Lateran Canon, and the Reverend Father Agostino Sartori, of the Servants of Mary, as Consultors of the Holy Congregation of Sacraments.

With Apostolic Briefs, the Holy Father deigned to appoint:

Protonotary Apostolic, in the manner of those participating:

January 10, 1917.

Mons. Giuseppe Conti, of the diocese of Fiesole.

[*Latin ed. p. 95*]

From the Roman Curial Diary, 95 Domestic Prelates of His Holiness: January 2, 1917. Monsignor Ciriaco Petroccia, Seal Keeper of the Holy Penitentiary. 3. Monsignor Giacomo Dunne, of the Archdiocese of Dublin. 9.

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Monsignor Alberto Petaccia, of the Archdiocese of Chieti. 10. Monsignor Atanasio Chabot, of the Diocese of Luçon. 13. Monsignor Daniele I. Riordan, of the Archdiocese of Chicago. Monsignor Francesco I. Bobal, of the same Archdiocese. Monsignor Stanislao Nawrocki, of the same Archdiocese. Monsignor Edoardo A. Kelly, of the same Archdiocese. Monsignor Francesco A. Rempe, of the same Archdiocese. 16. Monsignor Guglielmo A. Brouwne, of the Diocese of Albany. Monsignor Tommaso S. Keveny, of the same Diocese. Monsignor Daniele Francesco Curtin, of the same Diocese. Monsignor Guglielmo P. Fitzgerald, of the same Diocese. Monsignor Francesco Saleich, of the Archdiocese of Toulouse. 19. Monsignor Giuseppe Marazzi, of the Diocese of Albano. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of St. Pius, Commander: January 2, 1917. To Mr. Comm. Luigi Bersani, Honorary Chamberlain of Sword and Cape of His Holiness. The Order of St. Gregory the Great, Civil Class, Commander: December 24, 1916. To Mr. Sante Pesarini, of the Diocese of Sansepolcro. To Mr. Dr. Giulio Paganini, of the Diocese of Viterbo. 30. To Mr. Ippolito Montplaisir, Senator, of the Diocese of Trois-Rivières. January 12, 1917. To Mr. Professor Pietro Costanzi, of Rome. The Order of St. Gregory the Great, Civil Class, Knight: January 3, 1917. To Mr. Ferdinando, free Baron de Wolf-Metternich, of the Diocese of Münster. 9. To Mr. Dr. Lamberto Baldassari, of Rome. 11. To Mr. Professor Pietro Pazzogni, of Rome.

[*Latin ed. p. 96*]

96 Acta Apostolicae Sedis - Official Commentary, January 11, 1917. To the Reverend Professor Demetrio Battaglini, of Rome. 16 ″ ″ To the Reverend Massimiliano Errazuriz, formerly attached to the Legation of Chile at the Holy See. 17 ″ ″ To the Reverend Remigio Mouquet, of the Archdiocese of Rouen. The Order of St. Sylvester: January 10, 1917. To the Reverend Doctor Giuseppe Demaidé, of the diocese of Piacenza. HIS HOLINESS'S HOUSEHOLD APPOINTMENTS: By the letters of His Excellency, Monsignor Maggiordomo, the Holy Father has deigned to appoint: Extraordinary Secret Chamberlains to His Holiness: December 15, 1916. Monsignor Salvatore Fabbrini, of the diocese of Fiesole. ″ ″ ″ Monsignor Antonio Tonini, of the same diocese. Honorary Chamberlain in purple vestments to His Holiness: December 15, 1916. Monsignor Tebaldo Celati, of the diocese of Massa Marittima. NECROLOGY: September 19, 1916. Monsignor Stefano Reville, Bishop of Sandlmrst in Australia. December 26 ″ Monsignor Enrico Giuseppe Richter, Bishop of Grand Rapids (United States of America). December 29 ″ ″ Monsignor Giovanni Dunne, Bishop of Wilcannia in Australia. January 9, 1917. Monsignor Giovanni Battista Vinati, titular Archbishop of Mocesso. January 13 ″ ″ Monsignor Roberto Dunne, Archbishop of Brisbane in Australia. January

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29 ″ ″ Monsignor Angelo Della Cioppa, Archbishop of Lanciano.

[*Latin ed. p. 97*]

Year IX - Vol. IX, March 1, 1917, No. 3. OFFICIAL BULLETIN OF THE APPOSTOLIC COMMENTARY. ACTA OF POPE BENEDICT XV. APOSTOLIC LETTERS. I. A PREFECTURE IS TO BE CALLED AN APOSTOLIC PREFECTURE, THE YUKON, WHICH IS ESTABLISHED AS AN APOSTOLIC VICARIATE, IN THE TERRITORY OF RUPERT'S LAND. POPE BENEDICT XV, for the sake of posterity. — The supreme office of the Apostolate urges us to diligently strive for the increase of the Christian name and for the better administration of sacred things in the far-flung regions of the Catholic world, a task which we perform divinely, without any merit of our own, in all lands. Indeed, for the promotion of the good of souls, this Holy See has requested that the Apostolic Prefecture of Yukon, located in the ecclesiastical province of Vancouver, with the addition of new territory, be erected as an Apostolic Vicariate. We, after consulting with the Most Reverend Fathers and Brothers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, and after considering the conditions of the aforementioned Prefecture, have freely and gladly agreed to the proposed erection and expansion. Therefore, by our own initiative and with full knowledge and supreme deliberation, and by the fullness of our apostolic power, by the present document, we erect the aforementioned Apostolic Prefecture of Yukon into an Apostolic Vicariate, and we add to this Vicariate a territory to be separated from the Archdiocese of Vancouver in Canada, which lies between the parallels of latitude 54 and 53 degrees North, and with the following boundaries...

[*Latin ed. p. 98*]

98 Acta Apostolicae Sedis - Official Commentary concerning the islands of the Pacific Ocean commonly called "Queen Charlotte Islands." We also desire that this new Vicariate be given a double title, namely, Yukon and Prince Rupert, and that a Vicar be appointed with the episcopal character. These things, We have decreed, and these present Letters shall always remain firm, valid, and efficacious, and shall fully produce and obtain their intended effects, and those to whom they pertain, or who may pertain to them, shall fully support them, and shall be rendered null and void if anything contrary to these, by anyone, knowingly or unknowingly, should be attempted. Notwithstanding Our regulations and those of the Apostolic Chancery concerning legal matters, and other constitutions and apostolic sanctions, and all other things to the contrary, whatever they may be. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the tenth day of November, in the year 1916, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

II. THE CHURCH OF THE MOST HOLY RELICS, DEDICATED TO THE

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EUCHARIST, IN THE CITY OF BONAERENSIS, IS ENRICHED WITH THE TITLE OF A MINOR BASILICA. BENEDICT XV. For the perpetual memory of this event. — Nothing is more dear to Us than to make the temples of God more magnificent, especially when it is deserved by the faithful who, moved by devotion to religion, have taken care to build and adorn those sacred buildings at their own expense. When the Most Reverend Archbishop of Buenos Aires informed Us that the beloved daughter in Christ, Maria Mercedona Castellanos and Anchorena, for her devotion and love for the august Sacrament, has generously contributed expenses for the temple, recently erected from the ground and adorned with the finest works of all arts, in her Archiepiscopal City, in honor of this great mystery, We, rewarding this beloved daughter in Christ for her outstanding devotion, and having favorably received the wishes of that Prelate, freely enrich the aforementioned temple, recently consecrated and dedicated to the most holy Sacrament in the city of Buenos Aires, with the title of a Minor Basilica. Therefore, with the advice of the Most Reverend Fathers and Brothers of the Sacred Congregation for the Propagation of the Faith, by Our Apostolic Authority, We hereby decree that the temple recently consecrated and dedicated to the most holy Sacrament in the city of Buenos Aires, be enriched with the title of a Minor Basilica, perpetually.

[*Latin ed. p. 99*]

Acta Benedicti PP. XV, 99: We increase [your privileges] in every way, and We grant all and each rights, privileges, prerogatives, honors, and indulgences which properly belong to the lesser basilicas of this Our Alma Mater [Rome]. We decree that these present letters shall always be firm, valid, and efficacious, and shall fully produce and obtain their intended effects, and shall fully benefit those to whom they pertain, now and in the future: and thus, it is to be understood that the foregoing is defined, and that it shall be considered void and null if anyone, through any authority, knowingly or unknowingly, should attempt to alter it in any way. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-fifth day of November, in the year 1916, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

III. ERECTION OF THE APOSTOLIC VICARIATE OF ALASKA.

BENEDICT XV, POPE.

For the sake of posterity.

— That these things may proceed well, prosperously, and happily for the sake of the Catholic name and the eternal salvation of the Christian people, the supreme office of the Apostolate, which We exercise on earth, urges Us

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to act promptly. Indeed, because of the joyful growth which the Catholic religion has experienced in recent years in the Prefecture of Alaska, and in order to promote a greater good for souls, the venerable Brothers, the Archbishop and Bishops of the ecclesiastical province of Oregon, in the United States of America, have earnestly requested this Holy See to erect the aforementioned Prefecture into an Apostolic Vicariate. We, for whom there is nothing more ancient than to provide a safer way for the administration of sacred things, especially in distant regions, far removed by a long distance of land and sea from this Catholic center of the world, having considered this proposal with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, and having examined the present conditions of that Prefecture, We have readily and willingly decided to approve the aforementioned proposal. Therefore, by Our apostolic authority, by the force of these presents, by Our own initiative and with full knowledge and supreme deliberation, We erect the Prefecture of Alaska, within the same territory as it now exists, and under the same name, into an Apostolic Vicariate, with the title of episcopal Vicar. We decree that these present letters shall be firm.

[*Latin ed. p. 100*]

The Acts of the Apostolic See – Official Commentary: One hundred valid and efficacious [indulgences] always exist and remain, and will fully and completely produce and obtain their effects, and those to whom they pertain will be fully able to benefit from them in due time; therefore, it must be rightly judged and defined that [any] attempt made by anyone, with any authority whatsoever, knowingly or unknowingly, concerning these matters, will be rendered null and void. Notwithstanding the Apostolic Constitutions and Ordinances, and all other things to the contrary. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the twenty-second day of December, in the year 1916, in the third year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

IV. A PLENARY INDULGENCE IS GRANTED IN PERPETUITY TO THE FAITHFUL WHO VISIT THE CHURCH OF SAINT BENEDICT IN BONONIA ON THE TWENTY-FIRST DAY OF MARCH. BENEDICT XV, POPE. For the perpetual memory of this.

— To increase the piety of the faithful and to promote the salvation of souls, moved by pious charity and with the heavenly treasures of the Church, and having also heard the Most Reverend and Most Reverend Fathers, Cardinals, General Inquisitors of the Holy Roman Church, We, with all and each of Our paternal authority, grant to all Christian faithful, of both sexes, that whenever, truly contrite and having confessed, and having received Holy Communion, they devoutly visit the parish church of the city of Bononia, dedicated to God in honor of Saint Benedict, on the first and twenty-first days of March of any year, from the afternoon of the preceding

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day until the complete day of the feast, and there offer pious prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, they shall receive, in the Lord, a plenary remission of all their sins, which may also be applied for the benefit of the souls of Christian faithful detained in Purgatory, as a suffrage. We grant and bestow this with mercy. These present [decrees] shall remain perpetually in force. Notwithstanding Our own regulations and those of the Apostolic Chancery concerning the granting of indulgences, and all other Apostolic Constitutions and Ordinances, and all other things to the contrary. Given in Rome, at Saint Peter's, on the fifteenth day of February, in the year 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

[*Latin ed. p. 101*]

Acta Benedicti PP. XV 101. EPISTOLA I ad R. P. D. ALFREDUM, de facultate faciendi munere Luganensi Morosini, abdicandi Episcopum Tit. Arcensem: Cui Administrationis Apostolicae Ecclesiae. Venerabilis Frater, salutem et apostolicam benedictionem. – Administrationem apostolicam Luganensem, quam diu gessisti, tu, ex tua propria voluntate, desideras deponere; et Nos, ut hoc permittamus, vehementer postulasti. Optatis tuis obtemperare non volumus; quamobrem, ut memoranda administratione te abdicas, libenter permittimus. Quod quidem dum concedimus, oportet simul testari solatium Nostrum, quod alius collegium Cardinalium, quem ad causam tuam secundo cognoscendam destinavimus, te iniustis accusationibus imputant. Adsit tibi Deus consolationibus suis; Nos vero, caelestium gratiarum auspiciis, apostolicam benedictionem tibi peramanter impertimus. Datum Romae apud sanctum Petrum, die xxix decembris MCMXVI, Pontificatus nostri anno tertio. BENEDICTUS PP. XV.

II. Ad R. P. ALEXIUM, Generalem, Stiam Mariam eius Lépicier, Tractatum Ordinis Servorum Theologicum de B. M. V. Priorem Sanctissimae Eucharistiae Dilaundans. Dilecte Fili, salutem et apostolicam benedictionem. – Probe cognovimus quomodo tu, cum diligentia et cum copia sanae doctrinae, et quanta cum utilitate alumnorum, ac cum comprobatione doctorum hominum, sacram theologiam in collegio urbaniano « Propagandae fidei » multos annos docuisti. Quod, cum omni tuo esset Ordini praefectus, studium erudiendae iuventutis ne tum intermitteres, recte instituitis, conscribendis de universa theologia libris, alumnis sacrorum longe plurimis esse adiumento. Huius incepti ac laboris tui fructus, cum iam non pauca volumina edideris, in quibus ea quae ad dogmata pertinent et accurate...

[*Latin ed. p. 102*]

102 Acta Apostolicae Sedis - We see with pleasure that you are now engaged in another area of theology, which concerns the sacraments of

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the Church, having previously provided us with writings on the Eucharist, the Sacrament, and the Sacrifice. In this matter, it is pleasing to us that you, out of piety towards our Heavenly Father, have begun to write, first on Mariology, which is a summary of theology, and then on the sacraments, starting with the treatment of the Eucharist, which is the greatest of the sacraments and the very center of Christian faith, from which the Church primarily draws its strength. But nothing here is done as it is in other theological books, with a more probable reason and method. For you follow the most religious author, Aquinas, who, while outstanding in the treatment of any argument, is truly remarkable in this area: and you follow him in such a way, especially in interpreting the *Summa Theologica*, that you explain his doctrine with the same order of things. To make the treatment more complete and abundant, you also seek out passages from his other works and from the Holy Fathers, as well as from the best of more recent writers, to illustrate the *Summa*. Furthermore, the entire work is permeated with a certain sweetness of piety, so that as the mind is illuminated, the soul is moved. Therefore, we congratulate you greatly for having so well and so usefully followed our and our predecessors' prescriptions regarding the studies of clerics: for we have also decreed that they must, not once but repeatedly, turn to the sources of Thomas when teaching sacred theology. You, dear son, strive with accustomed zeal and diligence to accomplish what remains, serving the sacred youth excellently, and preparing for yourself an abundance of divine gifts. As a witness to our hopes and benevolence, we impart to you, dear son, our apostolic blessing in the Lord. Given in Rome, at the Holy See of Peter, on the tenth day of the month of January, in the year 1917, in the third year of our pontificate. BENEDICT XV. TO THE MOST REVEREND ARCHBISHOPS AND BISHOPS: We highly commend the "HOLY NAME" SOCIETY of the UNITED STATES OF AMERICA. Dear sons and venerable brothers, greetings and our apostolic blessing. — Considering the state of the Catholic Church in the United States of America, we are pleased for not one reason alone...

[*Latin ed. p. 103*]

From the acts of Pope Benedict XV, page 103, it is evident. For neither does the Republic lack freedom in promoting the practice of religion, nor does the clergy, with its bishops as authors and leaders, lack zeal and diligence in caring for the salvation of souls, nor does the Christian people lack generosity in safeguarding the divine cult. And now that we rejoice in the great progress made here by the Church, we can also reasonably expect further and beneficial growth in the future. However, there are also matters that cause us concern. We see the power of law, which allows for divorce to such an extent, thereby undermining the foundation of the family; the excessive freedom granted, to which almost no authority, not even that of fathers, is a restraint; the custom of associating with non-Catholics,

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which in many ways puts the faith of young people in danger; and the very abundance of wealth, which is accustomed to breed countless temptations to sin. We know that you have instituted many suitable measures to address these evils; and, in particular, those measures by which the minds of our young people are instilled with religion from their earliest years, so that they may steadfastly maintain the profession of the Christian faith and virtue throughout their lives. In this regard, the society called "Holy Name" seems to be particularly effective. For it primarily aims to ensure that the majesty of God is most sacredly worshipped by all, and that all human authority is observed, insofar as it derives from the divine; but, as a consequence, in order that such reverence may not be in vain, it also seeks to ensure that both divine and human laws are obeyed, out of a Christian sense of duty, which should govern all of life. Therefore, omitting other matters, we are greatly encouraged by the fact that this society strives diligently to restrain the widespread habit of blasphemously and even contemptuously speaking of God; that it seizes every opportunity to testify to the glory of Christ as God with the greatest possible fervor; and that it invites the children of the Church, especially the young, to frequently and regularly approach Him who is contained in the Eucharist, the source of all sanctity. We have also learned with pleasure that, although the members of this society now number more than ten thousand, almost half of them are accustomed to receive the heavenly food each month. Therefore, with God's help, this society has made great progress; and the Dominican Fathers are justly entitled to share in the praise for this achievement. But you can see how much remains to be done, especially to ensure that the young, under the protection of the Church, grow strong, and that they are strengthened against the sloth and laxity of the world, or the weakness of religious spirit, through frequent and most holy use of the Eucharist. We urge you, with this pastoral care, not to delay; for the gravity of the matter, which is connected with the salvation of so many souls, should move you to action. We bestow upon you, our beloved sons and venerable brothers, and upon our beloved son, John Me Nicolas, of the Society of the Holy Name in these parts, our apostolic blessing, as a pledge of divine graces and a testament to our special benevolence.

[*Latin ed. p. 104*]

Acts of the Apostolic See - Official Commentary 104. We impart this, most lovingly, to the moderator, and to all members of that Society. Given in Rome, near the blessed Peter, on the fifteenth day of the month of January, 1917, in the third year of Our Pontificate. BENEDICT XV. TO THE REVEREND FATHER THOMAS, OF THE SOCIETY OF SAINT ALOYSIUS, GENERAL. CONCERNING THE SOLEMN FOUNDATION OF THE SCHOOLS OF THE SACRED ORDERS, ESTABLISHED IN THE YEAR OF THE THREE HUNDREDTH ANNIVERSARY. Beloved Son,

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health and the apostolic blessing. — This war against the Church, which is waged with so many weapons, such as laws, institutions, and writings, is such that no type of weapon can be said to be more suitable for harming it than that which they call secular education. For, although they claim that it ought to be free from religion under the pretext of defending liberty, in reality they intend to make it impious, or contrary to religion. Indeed, if the tender and impressionable age, which is easily influenced by the voice of teachers, does not learn to fear God from them, but rather becomes accustomed to neglecting and despising everything that pertains to God, what can restrain it from being swept away by the passions of life into vice? Or, indeed, what value can the name of virtue have before it, once the foundation of duty has been removed? And it is known from experience that, since the time when the system of this kind of education began to be used, the morals of the people have changed for the worse, and that this change is especially noticeable in those who are younger in age, since, in addition to the almost complete lack of obedience to parents, other institutions are opened for the suppression of children, and too many young people are held in public institutions, and these are often more perverse than those who are older, and finally, more and more every day, young people, who seem to have barely tasted life, take their own lives. These are great evils perpetrated by the wicked; but how much greater they would be if, above all, the most holy men, stirred by the divine mission, who have striven to properly educate youth, would persevere in this, through those whom they have left as heirs of their institutions, at all times. Among these, Joseph of Calasanctius stands out, to whom it is fitting that his memory be solemnly recalled shortly.

[*Latin ed. p. 105*]

The acts of Pope Benedict XV, page 105, record that he founded the Order of the Piarists three centuries prior. And among all those who have promoted popular education, is there anyone to whom such praise can be given, who, devoted to this very task, to which he dedicated himself and his students, endured such great hardships that they renewed his patience? He was the first of all to open this path to Christian charity, so that at a time when the elements were almost sold to children, he undertook to teach the children of the poor free of charge, so that they would not be completely deprived of education due to poverty. And although he later made his school accessible to the wealthy, he never demanded any money from them, under the name of payment. Thus, those who, boasting of being promoters of the spread of light, accuse the Church of being a friend of darkness, and of having left the people in ignorance, or, following the example of Joseph, let us omit others, show how falsely and how spitefully they condemn it. He, however, unlike these educators of youth, was not entirely devoted to giving lessons in literature, so that, while he was the head, he neglected

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the precepts of living: but, understanding that one without the other is both incomplete and dangerous, he cultivated the minds with the utmost diligence, and the hearts even more diligently. For it is not so much a matter of knowing many things, for the benefit of both individuals and the common good, as it is of living rightly; and the knowledge of things, which is indeed the dignity of human nature, must be sought to the extent that it serves true wisdom, that is, the acquisition of virtues, in which human perfection consists. Joseph, having chosen a patron for his school, chose her who is called the Seat of Wisdom. For after the Virgin Mary, the Mother of God, began to be invoked in the city at the church of Saint Pantaleon, and then even more magnificently at Frascati in her own temple, to be a support for the Piarist Schools, how many and what proofs of her maternal patronage did she give them! Indeed, they were afflicted by great and various hardships, even during the lifetime of the founder, so that they seemed to be on the verge of ruin. But these things happened to them for no other reason than so that they would not lack that distinguishing mark of divinely instituted things, which is to be attacked. For shortly thereafter, as he had predicted, with God's help, they flourished again in a remarkable way, both in the number of students, and in the study of literature, and in the cultivation of virtues. And among the teachers, especially those with whom Joseph had or had had domestic intercourse and familiarity, clear examples of diligence, patience, and paternal charity could be seen. Of many, we mention two in particular: Glycerius, of whom there is still such a high opinion among people that his innocence of manners is compared to that of Aloysius Gonzaga, and Dragonetto, who, having spent ninety years teaching under the very Father Legislator, persevered in the institute with zeal and diligence until the age of one hundred and twenty, when he passed away. And then the Galasancian Order...

[*Latin ed. p. 106*]

106 Acta Apostolicae Sedis - An Official Commentary for this time, having made use of adverse circumstances - so that you may recognize in him a most patient man from his very work - yet spread throughout many parts of Europe and even across the Atlantic Ocean, how useful it has been to the Church, and how salutary to the state. There are counted to be sixty members of this Order, who have been rightly increased by the appellation of Venerable; many of them have distinguished themselves in various branches of learning, especially in the science of natural things; and who can say how great has been the number of excellent citizens who, over the course of these three centuries, have come forth from these pious schools? These things are certainly to be rejoiced in, and are such that thanks should be given to the divine goodness for them. But nevertheless, in order to remedy the damages that secular education often inflicts upon religion and civil society, as we have said, it is greatly to be desired that, along with

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other institutions of ours, this Order, wherever it languishes, may revive, and where it flourishes, may flourish even more and bear even more joyful fruits. We most earnestly wish this, dear Son, for you and for all those over whom you preside, in the secular solemnities of the Institute, which we wish to celebrate, as if with renewed auspices. May these solemnities be all the more august and fruitful, that whoever shall visit your churches or chapels, in which sacred or other prayers will be offered in memory of this happy event, and shall commend the Christian cause to God there, we grant the power to bestow, freely, a plenary remission of sins, to all, provided that they have been reconciled through penance and refreshed at the divine table.

Now, let those who invoke Joseph Galasanctio, the Legislator of Pernes, be urged to retain with the utmost care, as the best of his inheritance, that disposition of mind which was so admirably suited to the incomparable man, namely, humility and contempt of self, charity towards others, piety towards the Virgin Mary, and obedience to this Apostolic See. Continue with such intentions, as you are doing, to work for the good of youth, expecting a most abundant reward for your labors from God. Of this, we give you our blessing and a testimony of our paternal benevolence, dear Son, and we lovingly impart the apostolic blessing to the entire Order of the Piar Schools. Given at Rome, near St. Peter's, on the tenth day of the month of February, 1917, in the third year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 107*]

Acta Benedicti PP. XV, 107 V, addressed to the Most Reverend James Sinibaldi, Bishop of Titular Tiberiensis, concerning the seminaries and universities of his Congregation, regarding the work "Elements of Philosophy" by him: The Secretary reports as follows.

Venerable Brother, greetings and apostolic blessing.

We have received with great pleasure your book on the Elements of Philosophy, recently published in Quarten; and we know that learned and wise men have praised it from the moment it appeared. And these praises have gained even greater weight, as we recall, from the letters in which Our Predecessor, the illustrious Leo XIII, of blessed memory, commended your work to the Bishop of Ghent. Indeed, that Pontiff, to whom no concern was more important than restoring Thomas Aquinas to the highest honor among Catholic schools, must have been greatly pleased that the judgment of those who had so highly esteemed you was so well confirmed by the facts themselves, since, at his will, the chair of philosophy in the Ghent Seminary was entrusted to you, precisely because you were so excellently versed in the wisdom of the Angelic Doctor.

For we see that these two volumes are strongly commended for their abundance of sincere doctrine, drawn from the sources of Thomas, for their strong defense of truth against manifold errors, and for the clear order of

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the subject matter and the perspicuity of the writing. And we can infer that the latter is due to you, who, although you were completely unfamiliar with the Lusitanian language, nevertheless persevered diligently in order to master it, so that you could express the subtleties of philosophy in that language. Moreover, you do not merely illustrate and defend Thomistic principles in the schools; you also demonstrate that nothing certain can be derived from the natural sciences that is not consistent with them. Thus, you have produced a work that seems to be perfect in every respect within its genre, and especially suitable for clerics who are preparing to study sacred theology.

Indeed, to the extent that your book touches upon divine matters, it breathes piety and charity, so that it is not surprising that we hear that the students of this discipline, who have had your book in their hands, have learned to love and cherish Jesus Christ through it, and that it has been useful for the salvation of souls in Lusitania and throughout Brazil. Therefore, we congratulate you sincerely, Venerable Brother, and we give thanks with you to the Most Sacred Heart of Jesus, to whom are due the abundant fruits of your labors, which you have so readily accepted for His glory.

[*Latin ed. p. 108*]

108 Acta Apostolicae Sedis - May this Commentary, and all that it contains, increase with the gifts we earnestly pray for. As a testament to our singular benevolence, we impart to you and yours our most fervent apostolic blessing. Given in Rome, near St. Peter, on the fifteenth day of the month of February, in the year 1917, in the third year of Our Pontificate. BENEDICTUS - PP. XV

SERMON DELIVERED ON FEBRUARY 19, 1917, TO THE SACRED LENT PREACHERS IN THE CITY.

1. My most beloved sons, who in the approaching Lent will have to proclaim the divine word to the faithful of Rome, We do not err in reminding you that, in the exercise of the important ministry entrusted to you, you must take the Apostle St. Paul as your guide and model. By walking in the footsteps of the Doctor of the Gentiles, you will not fail to reach a glorious goal, and, like St. Paul, made "vessels of election," you too will carry the name of Jesus "before the Gentiles, and kings, and the children of Israel" (Acts, IX, 15).

But why, on the eve of the day when you will undertake your important ministry in this venerable City, do we remind you that you must have St. Paul as your guide and model? Not for any other reason, my beloved, than because we desire that, at the conclusion of your preaching in Rome, you may repeat with all truth what St. Paul said after preaching to the faithful of Corinth: "For my speech and my preaching was not in persuasive words of human wisdom, but in a demonstration of the Spirit and of power" (1

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Corinthians, II, 4).

From Athens, the great Apostle passed to Corinth, and for the space of eighteen months, he preached to the "great people" that God had told him were in that city, "for there are many in this city whom I have made for my name" (Acts, XVIII, 10); but, having then gone to Ephesus, he there received news of some divisions stirred up in the church of Corinth by false apostles, and of various disorders introduced into it after his departure. To clear himself, St. Paul considered it opportune to declare what his preaching had been in Achaia, and it was on this occasion...

[*Latin ed. p. 109*]

Acta Benedicti PP. XV, 109, which, referring to the ministry he himself carried out in Corinth, wrote the aforementioned words: "My word and my preaching were not in persuasive words of human wisdom, but in a demonstration of the Spirit and of power." It is easily understood that with these words, St. Paul indicated, in order to exclude it, an improper way of preaching, not in persuasive words of human wisdom, and at the same time signified, according to his own understanding, a fitting manner of instructing the people in a demonstration of the Spirit and of power. But if, with these words, the Doctor of the Gentiles demonstrated that the disorders stirred up in Corinth after his departure from Achaia were not imputable to his preaching, it becomes manifest to all that We, wishing that the preachers of Rome may be able to repeat the very words of St. Paul at the conclusion of their preaching, exonerate them from this moment from any responsibility for all that may be unjust and improper that may occur in Rome after their departure from this venerable City. You, O most beloved sons, would wish to be grateful to Us for having adduced the example of St. Paul in order to free yourselves beforehand from the fallacy *post hoc, ergo propter hoc*. But We would not excuse Ourselves from expounding Our entire thought to you. Writing from Ephesus to the faithful of Corinth, the Apostle appealed to the preaching he himself held in that most noble city of Achaia, not only in order to exclude that the disorders subsequently stirred up could ever be attributed to that preaching, but also to demonstrate that from the preaching itself, they had been anticipatedly condemned. Likewise, O most beloved, We would wish that of any crime or disorder that perchance should be lamented in Rome after the coming Easter, it may always be affirmed to have been previously condemned by the preachers of the year 1917 during Lent. We deem it not useless to examine more carefully the aforementioned words of St. Paul. We wish that you may make them your own at the conclusion of the Lenten preaching that you are about to undertake; therefore, nothing is more natural than Our solicitude to ensure that the meaning be well understood and better appreciated. We shall therefore begin by observing that the Apostle, for a reason, distinguished the two forms of language that he used in Corinth, because one thing is to

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converse in private, *sermo meus*, and another is to preach in public, *et praedicatio mea*. But, since in both, St. Paul excluded the improper manner and declared the fitting manner that he held, We must point out that the preacher is first and foremost warned that he must not only aim to do well at the pulpit, but also to observe a commendable conduct in his private life, so that during the days of the Lenten preaching, he may use with both clergy and laity.

[*Latin ed. p. 110*]

116 Acta Apostolicae Sedis - Official Commentary, concerning young and old, with the poor and the rich, with men and women. Saint Francis de Sales said that the true character of a Bishop is known only by his closest intimates, and We desire that the zeal of the preachers of Rome should be manifest not only in the elaborate discourses that they will pronounce from the pulpits of Our churches, but also in the gravity of their conduct, in their piety and devotion to the holy altar, and especially in charity and patience, so that We hope they will be ready to welcome anyone who appeals to their ministry. Without these dispositions of the soul, no one, even if he approached the Apostle in the public exercise of the sacred ministry, could appropriate the first words of Saint Paul: "My discourse was not in persuasive words of human wisdom." But in the sacred orator, the faithful consider primarily the public mission, that is, the external exercise of the ministry entrusted to him. Therefore, without dwelling further on the *privata* conduct, which you must observe and which We do not doubt will be most praiseworthy in all, let us rather turn our gaze to the public preaching of Saint Paul, in order to determine what yours should be. We have already said that the Apostle declares at the same time what was not and what, on the contrary, was truly his preaching in Corinth. Therefore, whoever wishes to know the true nature of the preaching of Saint Paul, must pay attention both to what the Apostle excludes from it, as well as to what he points out in it. "My preaching was not in persuasive words of human wisdom," – this is "what was not" the preaching of Saint Paul to the Corinthians. He would be mistaken who believed that the Apostle intended, with these words, to signify a contempt for profane science or for profane culture, because he himself, on another occasion, writing to the same faithful of Corinth, said that, although he appeared "deficient in speech," he was not "deficient in knowledge," *etsi imperitus sermone, sed non scientia* (II Corinthians, xi, 6). But, if Saint Paul did not intend to despise profane science, he meant that he did not base his teaching on it. He was eager to be able to say that the faith which he instilled in the Corinthians should rest on the power of God, in opposition to the wisdom of man: *ut fides vestra non sit in sapientia hominum, sed in virtute Dei* (loc. cit., verse 5). It is therefore easily understood that, when he said, "My preaching was not in persuasive words of human wisdom," Saint Paul ex-

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cluded the arguments derived from profane sciences, and he also excluded any form of language that would have been proper to an expounder of profane things.

[*Latin ed. p. 111*]

Acta Benedicti PP. XV 111 Indeed, it is necessary not to lose sight of the logical connection of the Apostle's discourse. Wishing to demonstrate that the disturbances that had been lamented in Corinth should not be attributed to him, he began by recalling that, when he had gone there, he had not presented himself "with sublimity of reasoning or of wisdom": *veni non in sublimitate sermonis aut sapientiae*. This distinction, made by the Apostle between "the sublimity of reasoning and that of wisdom," allows us to say that, in the memory of him, at that moment were presented both the matter and the form of his preaching, and he could affirm that neither the form was sublime, *non in sublimitate sermonis*, nor was the matter sought after or obscure, *non in sublimitate sapientiae*. And that he alluded to profane wisdom when he excluded having presented himself with sublimity... of wisdom, is also well deduced from the words that St. Paul added: *Non enim iudicavi me scire aliquid inter vos nisi Iesum Christum et hunc crucifixum*. If, in preaching to the faithful of Corinth, he showed that he knew nothing other than Jesus Christ, and this Christ crucified, it is clear that he could not have made any display of his knowledge of profane sciences. Rather, his concern to affirm that among the Corinthians he had behaved not only as if he knew nothing other than Jesus Christ, but also as if in Jesus Christ he saw nothing but the reproach of the cross, without considering at all the treasures of infinite wisdom and knowledge contained in Him, *nisi Iesum Christum et hunc crucifixum*, must persuade us ever more that, the Apostle did not choose the deductions of worldly science, but the principles of the wisdom of the Gospel, as the subject of his preaching to the faithful of Corinth. Therefore, what wonder that, in expressing the design of his work, St. Paul began by excluding the teachings of human wisdom: *Sermo meus et praedicatio mea non in persuasibilibus humanae sapientiae verbis*. It would be a wonder if the preachers of our time were to forget such an authoritative example. The goal they intend is not different from that to which the Apostle aimed in evangelizing the kingdom of Jesus Christ; but if they were to claim to achieve such a goal, either by announcing or defending profane theses, or by bringing to the pulpit vain criticisms of history or useless discussions of public or private law, We would not be able to refrain from reminding them that the preaching of Him whom they must hold as a model was not *in persuasibilibus humanae sapientiae verbis*. It is unnecessary to say that in Our memory would be implied the most open disapproval of their audacity. And it would not escape Our disapproval even those who, after

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having...

[*Latin ed. p. 112*]

Thus, the Acts of the Apostolic See – the Official Commentary – carefully chooses the themes of their sermons, so that they might then attempt to prove them with secular arguments, preferring the reasons which, like rich mines, they could draw from the holy books and the learned teachings of the Fathers and Doctors of the Church. We also wish to remind these individuals that St. Paul did not present himself to the faithful of Corinth in sublime wisdom... The Apostle did not present himself even in sublime speech; therefore, unlike the example of St. Paul, or rather, contrary to it, We wish to say that the language of one who, through excessive refinement of words or through overly lofty flights of fantasy, does not allow the common people to receive his teachings, is to be avoided. In the words of St. Paul: "in sublime sermonis," perhaps the form of speaking or the manner of presentation is also indicated, and since the great Master of preachers says that He did not present Himself in sublime speech, who can tolerate that the preachers of our time usurp the fervor of speech from the tribunes and show themselves so animated in countenance, so vehement in word, so eager in gesture as to degrade the scenes of the theater? To you, most beloved sons, We do not wish to conceal Our bitterness: Our heart has been pierced by the words of one who, not long ago, told Us that some preachers in these days do not shun these theatrical forms because the people seem to enjoy them. Even if it were true that such a taste appears among many of those who go to hear sermons, the sacred orators, who hold St. Paul as their model, far from encouraging such a taste, should condemn anyone who has contributed to corrupting it in such a horrible way. Do they not recognize the "persuasives of human wisdom"? Do they not remember that St. Paul said: "My preaching was not in persuasive words of human wisdom"? Remember this at least, O most beloved, so that your preaching in Rome may not differ from that of the Apostle: let it be what the preaching of St. Paul was not. But in a painting, the absence of blemishes is not enough; it is also necessary for there to be the positive contribution of beautiful features; therefore, in order to truly appreciate the preaching of St. Paul, after having recognized what it was not, it is necessary to also study what it truly was. We, the most fortunate, have learned this from the mouth of the very Doctor of the Gentiles, who, after saying that he did not preach to the Corinthians in persuasive words of human wisdom, added that he did indeed do so "in the manifestation of spirit and of virtue": "sed in ostensione spiritus et virtutis." These words, according to St. Thomas, certainly have the meaning of affirming that to the believers in the preaching of St. Paul, the Holy Spirit

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was given, just as in the Acts of the Apostles...

[*Latin ed. p. 113*]

The acts of Pope Benedict XV, page 113, recall those who heard the words of Saint Peter: "And while Peter was still speaking these words, the Holy Spirit fell upon all those who were hearing the word" (Acts, X, 44). And it can likewise be said, with the same Angelic Doctor, that the preaching of Saint Paul was "a manifestation of virtues," because it was not infrequently followed by miracles (Mark, XVI, 20), in fulfillment of the divine promises: "But they going forth preached every where: the Lord working withal, and confirming the word with signs that followed." (Saint Thomas, Commentary on the Epistle of Saint Paul). But, beloved, let us once again recall the purpose to which Saint Paul directly aimed when he addressed his first letter to the faithful of Corinth. You will readily recognize that, in the mouth of the Apostle, the strongest argument for condemning the disorders introduced in Corinth must have been the opposition, or rather, the contradiction of those disorders to the teachings he had given during the eighteen months of his stay in Achaia. Those disorders constituted an open violation of the laws that he had proclaimed and imposed, by divine mission, upon the new followers of the Christian religion; they were a practical disregard for those virtues that he had pointed out as a precious and necessary equipment for the disciples of Jesus Christ. Therefore, no care could have been more natural, no admonition more opportune, than to remind the faithful of Corinth of the Christian spirit that he had instilled in them and the Christian virtue that he had recommended during the days of his preaching among them: "and thus my preaching...in a manifestation of the spirit and of virtue," here are the words of Saint Paul, which, following those in which we are taught what the preaching of him was not, also teach us what it truly was. But do you believe that the preaching of Saint Paul was "a manifestation of Christian spirit and of Christian virtue" only for the first faithful of Corinth? Ah! You do not ignore, beloved children, that such must also be the preaching of all those who aspire to follow in the footsteps of the Doctor of the Gentiles. Therefore, reflect that your preaching in this esteemed city will not be similar to that of Him whom you have chosen as your guide and model, unless it too is "in a manifestation of the spirit and of virtue." The spirit of the Christian consists in recognizing God as our absolute Lord and as our sovereign Legislator. This spirit informs the fidelity of the servant, the submission and obedience of the subject. Oh! Understand well, beloved children, that during the upcoming Lent, you must first defend the rights of God over creation, not by turning away from the thought of it, except to emphasize the duties of creatures themselves

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towards God. Everything that happens in the world must be...

[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis - Commentarium OfficioAe explicatum ad lucem fidei. Hoc admirabile lumen, si tantummodo partem praeclarae doctrinae eius attingimus, nos docet privata mala esse castigationes meritas, aut saltem exercitationem virtutis pro singulis, et publica flagitia esse expiationem culparum quibus publicae auctoritates et nationes a Deo declinatae sunt. Sacri oratores, qui, exempli Pauli sequentes, volunt renovare in mundo manifestationem spiritus Christiani, in ostensione spiritus, debent ergo fidelibus hortari ut a Deo accipiant, tam privata mala quam publica flagitia, sine ullo murmure contra Divinam Providentiam, sed curantes placare Justitiam Divinam pro culpis singulorum et nationum. Spiritus Christiani etiam cognoscere debet in omnibus hominibus fratres, creatos ad imaginem et similitudinem eiusdem Dei, omnes a Sanguine Divino redentos et omnes ad eandem patriam caelorum ambulantes. Qui haec mente tenet, non potest oblivioni dari quod caritas est vinculum quod omnes homines coniungit; ideo, sacer orator in ostensione spiritus, cantare debet glorias huius Reginae virtutum Christianarum, sine permittendo animo humano accipere sentimenta odii et vindictae, necnon quando fortasse res erit de defensa carorum interitum aut antiquorum iuritum. Non miramini, carissimi, quod brevem mentionem de spiritu Christiani natura nostra nos ad ingressum in campum virtutis Christianae duxerit. Tam intima est nexus inter has duas res, ut ipse Paulus praedicationem suam non solum fuisse "in manifestatione spiritus," in ostensione spiritus, sed etiam "in manifestatione virtutis," in ostensione spiritus et virtutis. Non estne idea filii coniuncta idea patris? Memoria patris non sequitur memoria filii? Sic, sacer orator, cum ostendit veram essentiam spiritus Christiani, debet sequi indicationem virtutis Christianae, quae a illa vim suam, immo originem, trahit. Vollemus dicere momentum huius partis sacrae praedicationis. Sed, cernimus, vos iam nos praevenistis, dilectissimi filii: sine dubio, cor vestrum iam ad spem fructus patet, qui optimum praemium erit laborum vestrorum in imminente Quadragesima. Et debeamusne vobis meminisse quod fructus iste erit tanto maior quanto plus sollicitam curam ponitis in indicando concrete virtutem particularis, quam auditori vestri debent practicare, conformiter praeceptis ab vobis receptis? Sanctus Paulus – iam diximus – non se limitabat ad ostensionem spiritus, sed etiam ad ostensionem virtutis transibat. O! praedicatori Romani, non faciant dissertationes academicas, sed orationes morales et exhortationes ad praxim virtutum; non...

[*Latin ed. p. 115*]

The Acts of Pope Benedict XV, number 115, should not merely please the ears, but should remind us that they must benefit the soul. And they will

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benefit the soul if, after suitably explaining a Catholic truth, they instruct the faithful regarding the practical consequences that they must draw from that Catholic truth for the improvement of their individual lives, for the more prudent guidance of the family, and for the more secure advancement of society towards true well-being. A sweet and beloved confidence pervades Our soul, and a delightful joy floods it at this moment: it is the confidence that, precisely in this way, with a display of spirit and virtue, you, Our most beloved sons, will preach in Rome during the upcoming Lent. From Rome, the faith radiates; from Rome, the word that corrects abuses emerges: oh, may the impetus to restore the apostolic form to sacred preaching also come from Rome: "My word and my preaching are not in persuasive words of human wisdom, but in a display of spirit and virtue." We hope that, at the conclusion of Lent, the preachers of Rome may repeat and make their own these words of St. Paul, and this is of particular interest to the parish priests of this esteemed city, because they, who must attend to the instruction of their faithful throughout the year, naturally desire that these not have depraved tastes regarding sacred preaching. Therefore, let the parish priests of Rome join us, whom we now greet with pleasure, assembled in Our presence under the loving guidance of Our Cardinal Vicar, and let them join us in praying to the Lord that the preaching of the Lenten preachers of Rome in 1917 be conformed to that of St. Paul, because the more apostolic it is, the more effective it will be. If something is still lacking to fulfill Our desire, We pray the Lord to supply it with the abundance of grace, which We invoke copiously from Him, in bestowing the apostolic blessing upon the preachers and parish priests of Rome, as well as upon all those who now offer us a welcome greeting.

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis - Official Commentary ACTA OF THE HOLY CONGREGATIONS SACRED CONGREGATION CONSISTORY OF VERCELLI. CONCERNING THE VISITATIO OF THE METROPOLITAN CHAPTER. After long and arduous controversies between the Bishop and the Chapter of the Church of Vercelli, the Supreme Pontiff Sixtus V, by a bull dated Kal. Maii in the year 1585, which also had the force of a settlement, decreed an end to the matter. Among the articles which were established in this bull, two deserve particular attention: "VI. That all administration of 'all revenues, rents, and goods whatsoever' of the aforementioned chapter of the Church of Vercelli, should freely and completely pertain only to the aforementioned Archdeacon, Archpriest, Provisor, Canons, and Chapter, so that the Bishop for the time being should in no way be involved in the administration of such matters, nor should he be obligated to be. — VII. That the administration and management of said fabric [ecclesiastical institution] should likewise pertain, pertain, and be obligated only to the aforementioned Archdeacon, Archpriest, Provisor,

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Canons, and Chapter, according to the ancient and immutable custom observed up to that point; with this addition, that the Bishop for the time being may assist in the rendering of accounts of said fabric, and that, if and as needed, he may review those accounts, according to the form and disposition of the Holy Congregation of Trent." Since some interpreted these privileges and the established exclusion from involvement in the administration of the chapter's treasury and the church's fabric as an exemption from canonical visitation, the Archbishop of Vercelli, Most Reverend Theodore Valfrè, in order to remove all doubt, submitted the matter for interpretation to this Holy Congregation. Considering its competence in judging this matter, the Holy Congregation deemed it necessary to hear the Chapter first, which it did, more than once and again.

[*Latin ed. p. 117*]

117 The Sacred Congregation of the Consistory, and also the Archbishop, brought forward the matter, and furthermore, the opinion of the Consultor was requested; and finally, after all that was required by law had been completed, in a plenary session on February 8, 1917, regarding the question: Whether the Archbishop of Vercelli, either by his own right or by delegated right, can canonically visit his metropolitan Chapter, including the Chapter table and the church building, for the purpose of common law, the Most Reverend Fathers, after mature deliberation, responded: Affirmative; and they ordered that the matter be presented no further. Indeed, the right to administer should not be confused with the right to visit. And therefore, when a bull stipulates that certain individuals administer the Chapter table, so that the aforementioned Bishop cannot in any way intervene in such administration, and administer the church building in the same way, with the addition (as is read in the articles of the bull) that the Bishop in office can assist in the rendering of accounts; it must be said that the Archbishop was indeed excluded from the right to administer and to intervene in the administration; but it should by no means be inferred that the Archbishop was prohibited from the right to visit. "For in order that the right of visitation be excluded, it is necessary that this exclusion be clearly, expressly, and specifically stated, or, in other words, that it be declared dispositively, as taught by Benedict XIV, *Le Syn. dioec.,* book XIII, chapter 3. Which is not at all what the Sixtine bull establishes. Furthermore, it was the case that several Bishops or Archbishops had at times visited the Chapter table and the church building. And if others had omitted to do so, this omission could not grant an exemption from the right to the Chapter. After these and other considerations, a resolution was given. Given at Rome, from the Sacred Congregation of the Consistory, on February 10, 1917. CCARD, Bishop of Sabina, Secretary. L. "S. "V. Sardi, Archbishop of Caesarea, Assessor.

II SUBLA GEN. REGARDING A DOUBT CONCERNING THE PROVI-

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SION AND DISTRIBUTION OF SACRED OILS. The Coenobium Sublacense, as far as was fitting, was restored by Constitution on March 20, 1915, to its ancient status, and the Ordinary established, in place of the Cardinal Commendatory, was the Abbot of the monastic order of St. Scholastica, who raised the following doubt:

[*Latin ed. p. 118*]

118 Acta Apostolicae Sedis - Commentarium Officiale: The question arose whether the consecration of the sacred Oils and their distribution should be performed by the chapter of the cathedral of Saint Andrew and in its church, or by the Abbot of the monastery and in the church of Saint Scholastica, which enjoys the right of precedence over the cathedral church of Saint Andrew and its canons. The parties requested the opinion of the Most Holy Consistory, which had examined the new arrangement of the Abbey. The opinion of the Consultor was requested. After certain preliminary considerations, he arrived at this conclusion: "It is undoubtedly the duty of the Ordinary Bishop to perform the 'blessing of the Holy Oils in his Cathedral church; and it is certainly also the case that each parish priest must go to the Cathedral to receive the newly blessed Oils each year from the Bishop. Therefore, if the Ordinary Abbot of Subiaco were to be invested with the dignity of a bishop, the blessing of the sacred Oils should be performed in the Cathedral of Saint Scholastica, which enjoys the right of precedence over the church and canons of Saint Andrew. But not only does the Cathedral have the right to the blessing of the Holy Oils, but also to their preservation and distribution, as declared by the Holy Congregation of Rites in Toscanella, on August 19, 1619: 'The sacred Oil must be kept in the Cathedral, and dispensed by its dignitaries.' Furthermore, if, for some canonical necessity, the aforementioned blessing is performed outside the Cathedral church, the Cathedral always retains the right to the distribution of the Holy Oils, as is evident from another decree of the aforementioned Congregation dated February 19, 1707, in Trevisana, ad 2. The question was asked: If the Bishop, for some canonical necessity, performs the consecration of the Holy Oils in another church of the diocese, must these Holy Oils be distributed in the Cathedral church to the parish priests of the entire diocese? The answer was: Affirmative. Therefore, even if the blessing of the Holy Oils does not take place in the Subiaco Abbey, nevertheless the distribution of these Oils must be performed in the Cathedral of Saint Scholastica, according to the provisions of the law. But what about the opposite custom of the church of Saint Andrew? It is answered that this custom, which has been excusable and tolerated up to now, can no longer be tolerated after the recent arrangement of the Abbey, because it is contrary to the law and detrimental to the rights of the Ordinary. However, there remains only one difficulty, which is easily resolved, and that is article 14 of the Constitution

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Coenobium Sublacense, to which the Reverend Canons of the church of Saint Andrew appeal, in order to prove their assertions, which are without legal basis. But if one carefully considers the entire context of this Constitution, it will be clearly seen that it was always the intention of this Holy Congregation to secure everything that rightfully belongs to

[*Latin ed. p. 119*]

The Holy Congregation Consistorial [decreed] "to the Ordinary Abbot, that those words of the cited article should be understood with the implied clause: 'Excepting the laws and rights of the Ordinary.'" Therefore, to the proposed doubt, I would answer: 'No.' But after discussion in the plenary session on February 8th of this year, the Most Reverend Fathers, with unanimous agreement, arrived at the opinion of the Consultor. And this was ratified and confirmed by the Most Holy Lord the following day. Given in Rome, from the Holy Congregation Consistorial, on February 10, 1917. C. CARD. DELAI, Bishop of Sabina, Secretary. L. S. V. SARDI, Archbishop of Caesarea, Assistant.

PROVISIONS FOR CHURCHES. By the decrees of the Sacred Congregation Consistorial, the Most Holy Pope Benedict XV has provided the following churches with their proper pastors, namely:

January 7, 1917. — To the titular archbishopric of Edessa, he appointed the Reverend Father John Marenco, already Bishop of Massa Lubrense.

January 29. — To the cathedral church of Premysl, Sanok, and Sambir, for the Ruthenians, the Reverend Father Joseph Kocylowsky, of the Order of Saint Basil the Great, Doctor of Sacred Theology and of Philosophy.

February 5. — To the episcopal church of Zamboanga, the Reverend Father James Me Closkey, of the diocese of Philadelphia, already the General Vicar of Lares.

February 7. — To the episcopal church of Tuguegarao, the Reverend Father James Sancho, secretary to the bishop of the diocese of Cáceres.

February 8. — To the newly erected episcopal church of Saint Rose of Osos, the Reverend Father Maximilian Crespo, transferred from the church of Marthe.

February 8. — To the episcopal churches recently united, of Antioquia and Jericho, the Reverend Father Christopher Toro, transferred from the church of Saint Marthe.

[*Latin ed. p. 120*]

120 Acta Apostolicae Sedis - Commentarium Officiale. SACRA CONGREGATIO DE DISCIPLINA SACRAMENTORUM. CONCERNING THE PRESUMPTIVE DEATH OF A HUSBAND. In the diocese of N., a woman named M. P., aged seventeen years, and F. G., of approximately the same age, entered into a legitimate marriage twenty-six years ago. However,

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this man, having become depraved in his morals, abandoned his wife and sought another city. There, he lived a scandalous life and alienated his property, using a public notary. At the end of the year 1895, he voluntarily joined the military and embarked on a maritime journey, intending to reach the island of Cuba. Subsequently, on February 19th of the year 1896, he sent a letter from the city of Cuba, N., to his relatives, stating that he was residing on that island as a volunteer soldier, and that he had not previously informed anyone of his situation, because he was afflicted with a severe pulmonary disease, commonly called pneumonia. In this letter, he also recounted that he had suffered many misfortunes in that place, and that he had endured various hardships and illnesses, and that he had also faced dangers of war at that time. Therefore, having endured such a harsh life, and moved by the ardent desire of his wife and children, he promised that, if he were to return to his homeland, with God's favor, he would return to a life of virtue; and he declared that he intended to happily restore his conjugal life with his wife. However, since that time, twenty-one years ago, although several investigations have been conducted, no further news of him has been received. Since the woman, who believes her husband to have been killed, desires to enter into a new marriage, the Reverend Ordinary of N. examined her and one witness under oath, and he submitted certain documents from investigations that have been conducted over a long period to the proceedings of the Sacred Office. Since there is uncertainty regarding the presumptive death in this case, everything has been presented to this Sacred Congregation, and the petition of the woman has been submitted. It should be noted: I. In this case, after examining the acts of the proceedings, authentic documents that demonstrate the death of F. G. are lacking. However,

[*Latin ed. p. 121*]

The Holy Congregation for the Discipline of the Sacraments possesses certain elements from which one can legitimately presume his death. Firstly, we have the prolonged passage of time, namely twenty-one years, during which no further news of him has been received. Moreover, it is known that this man, although entangled in vices, had bid farewell to his wife, and in the year 1895, he voluntarily enlisted in the military to fight in the island of Cuba. However, he soon began to feel remorse for his misdeeds, and he sent a letter to his relatives, in which he expressed his desire to return to a life of virtue and to return to his homeland to restore his conjugal life with his wife. In this letter, among other things, he wrote: "If I had known beforehand what would happen in these places, I would have endured anything rather than come to these regions. There are many calamities that are endured during wartime. It is said that many soldiers have succumbed to vomiting, or to the yellow fever, and this region is very harmful to health. I remember you all, especially my wife. If you could

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see what I am suffering, you would forgive me, and you would forget everything. I am justly paying the penalty for what I have done; here, life is very difficult, even because of the intense heat. If the Lord allows it, I hope to end this kind of life and to once again be with my wife, and to work as a man should, so that we may enjoy happiness together. I remember her very much, and I think that she should never have been abandoned by me, nor should I have subjected myself to these hardships. As soon as you give me an answer, and you inform me of everything about the family, and especially about my wife." After these words, no other letter was written by him, and nothing was learned about him during the twenty-one-year period.

III. To strengthen the presumption of the man's death, another reason is added, derived from the particular circumstances of the places where he resided. It is known that while traveling by sea, intending to reach the island of Cuba, he was seized by a lung disease and was forced to spend several days in a hospital, before being assigned to the regiment (battalion) to which he belonged. From then on, he began to endure the hardships of military service with weakened strength. Indeed, as the man himself reported, and as the records of that time confirm, a deadly disease, called yellow fever, was raging in that island, and many, especially foreigners, were afflicted by it, losing their lives. Therefore, it is easily presumed that he died, either because he was not fit for military service, or because he was weakened by illness and vices, or because he succumbed to the war or to the contagious disease.

IV. Furthermore, it is established that attempts were made to inquire about this man.

[*Latin ed. p. 122*]

122 Acta Apostolicae Sedis - An Official Commentary by his own relatives, then by civil authority, as they call it, and also by military and ecclesiastical authorities. Indeed, a rumor arose and grew that he himself had been abducted in July of the year 1896, but this does not seem to be able to be verified by certain arguments. Nor is it to be wondered at that, with a fierce war raging and a devastating plague spreading, it was not possible to report on all those who died for either reason. The Most Reverend and Most Illustrious Fathers, in a plenary session held on January 19, 1917, after mature deliberation, considered the following question: Whether it is permissible for a Religious of the Order of the Most Holy Mother of God to obtain a dispensation for marriage in the case of a vow of chastity, and they decided to answer: Affirmative. f A. CAPOTOSTI, Bishop of Thermen, Secretary. SACRED CONGREGATION FOR THE COUNCIL OF VOLTERRA, REGARDING OPTIONS AND NOMINATIONS TO CANONICAL POSITIONS. On January 27, 1917, the following case was presented. - The nature of this case is simple and is stated as follows. On July 8, 1915, in a month

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reserved to the Holy See, a canonical position and a prebendal canonry became vacant in the Cathedral Chapter of Volterra due to the death of the Reverend Father James M... On the following day, the same Chapter, without consulting the Bishop, admitted to the vacant position, through an exercised option, the canon Joseph F..., and finally, for the last vacant canonry, elected the priest Aloysius B..., subject, however, to the approval of the Holy See for the granting of an Apostolic Bull. Having been informed of Aloysius's nomination, the Bishop rejected it, for two reasons: first, because the Chapter could not exercise the option for vacant positions during months reserved to the Pope; and second, because the nomination for such positions and the corresponding granting by Bulls belongs exclusively to the Holy See, according to Rule IX of the Apostolic Chancery. On the contrary, the Chapter of Volterra maintained, according to the most ancient custom, that it had the right to exercise the option even in months reserved to the Apostolic See, and also to nominate for the remaining vacant position resulting from the exercised option, with the consent of the Apo-

[*Latin ed. p. 123*]

The Holy Congregation of the Council of 123 of the Roman Curia, to which the bull of collation remains reserved; and this final right is founded on the decree of Innocent III, as related in chapter 31, "De electione et electi potestatis," book 1, of the Decrees of Gregory IX, "Cum Ecclesia Vulterana," and on the right of patronage acquired by the same chapter through the excorporation of canonical prebends from the primitive common mass. Having rejected these reasons, the Chapter presented the matter to the Holy Congregation, asking "whether the Chapter, during the reserved months, while always observing 'the law of reservations for the dispatch of the Pontifical Bull, has the right to proceed conditionally to the election or designation of the person and the allocation of prebends; and in the negative case, requests that this be granted to it by grace or Apostolic concession."

Opinion of the Consultant. - The petition of the Chapter, as it is evident, must be considered under a double aspect, namely, first, in the point of law or justice, and second, in the point of grace. The first part comprises two questions, namely, the right to the option regarding vacant canonical prebends during the Papal months, and the right to the nomination or election of a beneficiary in a prebend vacant as a result of the aforementioned option. These two questions must be treated separately: hence, first, let us consider the option. In this matter, it is necessary first of all to recall and accurately define the principles of law.

The right of option is not derived from any written law, but depends entirely on the statute, or on custom, or on an Apostolic privilege; cf. Gonzalez, ad Reg. 8 Cancell., gloss 34, no. 12; Barbosa, De can. et dign., chapter 39; and Rot. in rec. dec. 99, no. 25, par. 10; and generally, as is customary with Moneta, De opt., chapter 1, no. 13, it is defined as "a certain right, by which

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older canons, having relinquished their own prebend, can, within a certain time, choose and obtain another vacant prebend, which is not reserved." Therefore, this exchange or permutation of prebends properly applies to Chapters, or among canons and between beneficed clerics and beneficed clerics respectively of the same order, and is admitted, not on the basis of office, dignity, and merit, but with a view to seniority and longer service rendered, as the Gloss holds in the last chapter of "De consuetudine," in 6th, and as Moneta explains, 1. c.

In order to properly understand the right of option, three things must be distinguished in the canonry: namely, the canonry itself, or reception into the brotherhood after having been formally admitted among the capitulars; the canonical title, or the right to receive the revenues from the established office; and the prebendarial goods, or the temporalities attached to it. Thus, Lotterius states, De benef., book 1, question 19, no. 19 et seq.: "For this canonical prebend is nothing other than the right to receive the fruits... and therefore it is something purely incorporeal, yet different from the canonry."

[*Latin ed. p. 124*]

124 Acta Apostolicae Sedis - Official Commentary: "In the same way that something differs from its cause; for a canonry is a right 'arising from election and reception into the brotherhood'... but that which must be given is 'a right arising from the very constitution and office, from that necessary connection whereby one who serves at the altar lives from the altar'... Therefore, insofar as certain properties are assigned to each [member], these are called 'benefices,' but less properly, since it is truer to say that they are not to be given, but are 'benefices': for they consist of mere and bare temporal things, and therefore among themselves, the canons can exchange them without any taint of simony (Hostien, in cap. Quaesitum, n. % De permut.) and upon this is founded the right of option in churches" (see also n. 33 and 34). However, with regard to the exercise of this right, the manner in which the benefices were annexed to the individual canonries must be considered: if these are perpetually and inseparably united to said canonries, so that one individual is constituted by incorporation, then private authority cannot exercise the right of option, but "the intervention of superior authority is required to effect the exchange" (Hostien, in d. cap. Quaesitum, n. 3, De permut). Otherwise, a different judgment is to be made, if the benefice is not specifically and inseparably connected with the canonical title, although, in general, it remains perpetually attached to the spiritual right with respect to the canonry: then, with respect to the individual canonries, it is considered separable, and therefore, when in its exchange with another benefice, there is no change of title, its option is permitted by private authority, since with respect to this option, that benefice is considered a temporal thing. Thus, Pitonius explains the matter

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in his additions to Disputation X, no. 46: "If a benefice is desired which is attached separately and in general, and then no change is made in the canonical title, because since it is separable from the individual canonries, because of this separation, it is considered merely temporal, and therefore, by option, the canonical benefice is not said to be changed, which is the right to receive the fruits from that or another property, but only the temporality of the benefice is changed, as Ancharatus teaches, in cap. fin. De Consuet., in 6°, n. 1, ad medium - "here there is not an option of a spiritual thing, but of a temporal thing, such as a house, or a benefice which consists in temporality..." and Lotter, excellently explaining the matter, De re benef., lib. 1, q. 19, n. 27 and following; Mantica, dec. 273; Rota coram Coccino, dec. 328, n. 7 and following." Having stated this premise regarding the nature of option, when the case concerns a benefice vacant in a Papal month, it must be considered specifically whether and how the right of option can be admitted in those months reserved. Rule IX of the Apostolic Cancellations reads: "His Holiness... all ecclesiastical benefices with cure and without cure, secular and of any order, whatever their regulations may be..."

[*Latin ed. p. 125*]

The Holy Congregation of the Council decrees that, with all due qualifications and wherever they exist, during each of the months of January, February, April, May, July, August, October, and November, up to the time that, according to its benevolent will, they become vacant, except for the R. C. [ecclesiastical] benefice of Gracias, which shall be filled in any manner, except by a reservation of any kind... generally reserves to itself the granting of benefices. It desires that in all supplications or concessions of benefices, which become vacant due to the aforementioned circumstances, even spontaneously, a specific mention be made of the month in which they became vacant; otherwise, no benefices shall be granted. Furthermore, it wishes that customary practices, the offering of more desirable and more lucrative benefices, and also privileges, even those granted at the very inception of the benefice, and even the disposition of such benefices, or that these, under such reservations, are in no way included... whatever may be granted, shall not, in any way, be contrary to this reservation. As is evident from the context of the cited rule, it is easily deduced that all privilege of choice regarding reserved benefices has been abolished. Therefore, Riganti, in his commentary on the aforementioned Regulation, TX, § 5, n. 2, states: "Therefore, the rule is that choice has no place in vacancies that occur in reserved months; no custom, privilege, or indult notwithstanding." However, this rule regarding pontifical reservation applies when the benefices are perpetually and inseparably annexed to the canonical title; otherwise, it is to be understood differently, when this inseparable annexation does not exist, and a change of benefices can occur without a change of title: in this case, the pontifical reservation ceases, as Riganti states in the aforemen-

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tioned passage, n. 4 and 5, and concludes: "But whoever alleges such an annexation (perpetual and inseparable) must prove it, since it is a matter of fact, so that the Apostolic provision may be denied unless it is fully and clearly demonstrated." This is also the opinion of Gonzalez, l.c., n. 32; Moneta, c. 3, q. 3, n. 27, and others, along with the Rota in several decisions cited by Riganti himself. But what is to be said when the benefices are not inseparably annexed to canonical titles in a specific sense, but only in a general sense, as occurs when there are as many benefices as there are canonical prebends? Some hold that in this case, the right of choice cannot be exercised, but that the benefices must be so separated from the canonical prebends that they can also be conferred on non-canonical individuals, and in this last hypothesis only, these benefices would not be subject to Apostolic reservations due to the months, as held by Riganti, loc. cit., n. 16; Pasqualigo, Quaest. mor. 254, n. 3. Others, however, hold that choice is not prohibited in the aforementioned case. Thus, Lotterius, q. 19, cited above, n. 25. "Alia est adnexio revoeabilis..."

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis - Commentarium Officiale: "It is well suited to the very law of option; and this, although it perpetually 'remains subject to spiritual law with respect to the canonry (which is deduced from the correspondence of numbers) and therefore falls under the jurisdiction of the canonry as something perpetually annexed to it, nevertheless, because of that separability from individual canonries, it is considered, for the purpose of option, to be merely temporal, and it is not understood to be relinquished or offered for canonries in such a way that it is truly offered spiritually, but it is always retained, as Cardinal Thusc explains in Cons. 126, with whom the Rota agreed apud Cassad., dec. 57, n. 2 and 3 concerning offerings. For only the relinquishment and offering to individual canonries, although it demonstrates a connection, does not demonstrate a perpetual and incompatible annexation with the right of option, as the Rota held in the discussed article apud Puteum, dec. 196." Thus also Tondutius states in Resolut. benef., 110 n. 29: "According to the genus of annexation are those things which are indeed annexed in a general way to a certain canonry, but not to one rather than another, and in a manner that pertain to one and not to another: and this annexation, because it is not perpetual but revocable, is well suited to the right of option." And indeed, as Barbosa says, De can., cap. 12, n. 10, although the canonry is the mother of the offering, the canonry can sometimes exist without an offering, as is demonstrated by the cited decree of the Sacred Congregation in Salamantina; and the appellation of the offering does not create the canonry, hence in the Datary style, both are named in the Apostolic collation documents. This last opinion has been followed by the Holy See, as can be seen, for example, in the resolutions given in Signina, Optionis, March 23, 1858 (Thesaur. S. C. G,

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vol. CXV1I, page 72), in Casertana, June 2, 1838 (Thes., vol. XCVIII, page 82), in Capuana, December 17, 1853 (Thesit CXII, page 488), in Urbevetana, April 26, 1856 (Thes., vol. CXV, page 238). Referring to these resolutions, the ecclesiastical monitor, vol. XIX, page 104, concludes: "From these authoritative responses, it is clear that one must stand with those Doctors who believe that the right of option can be exercised even in the months reserved for the Holy See, in those Chapters in which the offerings formed from the common mass, although equal in number with the canonries, are common to the canonry, and not perpetually annexed to each canonry." This reasoning, in the case where the offering is united to a canonical title separately, and only generically inseparable from the canonry, can be given with the Rota in Mediolanen, Optionis, April 29, 1711, dec. 37, among Miscellanea coram Falconieri, n. 8: "Indeed, another even more convincing reason is brought forward concerning the aforementioned rule 8 (now 9) reservatoria by Gonzalez, d. gloss., 34, n. 33 and 44, namely, that those [cases] fall under reservation, which are in the Apostolic month..."

[*Latin ed. p. 127*]

The Sacred Congregation of Councils, 127: "are vacant; but the benefice with a canonry is not vacant, from which, by the right of option, it is filled by the next in order, and only when there are as many benefices as canons, is the last one considered vacant: therefore, the provisioner can obtain this one as vacant, but not another one that is desired, or that has been set aside for option, which is not said to be vacant, according to the opinion of Geminiani in the places cited below." If the present question is to be examined according to the norms cited, it would seem that the Chapter should be granted the faculty of offering benefices even during the reserved months, without excluding the granting of the first Archidiaconal benefice in the Cathedral of Volterra, and therefore subject to a special reservation according to the force of Rule IV of the Apostolic Chancery; for these benefices were established by virtue of their disincorporation from the common mass of the Chapter, from the most ancient times, and furthermore, since the number of benefices corresponds to the number of canons, their option is confirmed by a custom of more than a hundred years, which cannot be destroyed unless by another contrary custom of a hundred years or by immemorial prescription, as held by the Rota before Emerix, decision 1195, n. 10 and 11, where it is stated: "After a custom of a hundred years, for any title to be destroyed, which results from it, another custom of a hundred years is required," and in several other decisions, which can be seen in the addition to the disputations, ecclesiastical X, Pitonii, n. 20. Nothing to the contrary is testified by the attending Bishop: "I add, for the sake of abundance, that in the Chapter of Volterra, the canonries are inseparably united to the benefices." Indeed, the fact that the option has been exercised for so long would completely contradict this. Nevertheless, it does not

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seem to be established by fact that the Chapter of Volterra has a good right to offer benefices during the months reserved to the Holy See, including the first Archidiaconal benefice, except from another title, as mentioned above, reserved. First of all, the very Chapter Constitutions, requested by the Chapter itself in the year 1577 and confirmed by the same Bishop in the same year, stand in the way. These, in chapter 9, and following, decree: "Therefore, renewing the same constitution (regarding option), we decree that the option of benefices must be made only during the ordinary months, and in no way during the months reserved to the Apostolic See"; and in the list of canonical benefices, it is stated that the Archidiaconal benefice is reserved to the Holy See and therefore excluded from option. Indeed, given this provision of the Chapter Constitutions, which each Canon promises to observe under oath upon his admission and reception into the Chapter, any contrary custom or prescription must be set aside, due to lack of good faith.

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis - Official Commentary. Moreover, even granting that, notwithstanding contrary Capitular Constitutions, the right of option, reserved for each month, was extended by an unknown custom, as stated in the aforementioned Constitutions, nevertheless, it does not seem that this can be validly invoked today for the following reasons. Firstly, whatever may be the case regarding the existence of this custom from the year 1770 until the year 1851, when a new agreement was established between the Holy See and Leopold II, Grand Duke of Tuscany, after the Leopoldine laws, which forbade the Holy See from receiving benefices with reservations, were repealed, as will be explained below, it is certain that after said agreement, the right of option for benefices vacant in the reserved months in the Volterra Chapter completely ceased, and if it was ever exercised, it happened by the benign concession of the Holy See in each individual case, as can be seen in several Capitular deliberations. It is worthwhile to cite at least one case: on April 27, 1875, the archdeaconry of James Leoncini became vacant under Bishop Capponi. The canons wished to exercise the right of option; but after a meeting was convened, the Dean canon communicated the following letter from the aforementioned Bishop: "Having learned from Your Excellency that tomorrow the Chapter meeting will take place, which you will preside over, to proceed with the option of the Archdeaconry benefice, which, being reserved for the Holy See, the appointment belongs to it; in virtue of the powers obtained by the Holy See to confer benefices subject to reservation, I authorize this Most Reverend Chapter to proceed with the option of said canonical benefice, which will remain vacant, with the condition imposed by the Most Blessed Father, that the clause 'by virtue of special faculties' be appended in the bull of institution." In the beginning, this was granted for a period of three years; but finally, under Leo XIII, it was abolished, and thus the

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nomination and collation of canonical benefices reserved for the Holy See, whether in virtue of rule 4 or rule 9 of the Canons Apostolic, excluding any shadow of option, was transferred to the Holy See or the Apostolic Datary. From this, it follows that the custom claimed by the Chapter of opting for benefices, even in months reserved for the Holy See, has long been without force, either from the year 1851, and a new one was introduced, for over forty years, in favor of the Apostolic Datary, which acquires the title of prescription against the same Chapter. It should not be argued that prescription cannot be invoked in this case, because option is a facultative act, and prescription does not run in such acts; for, as Reiffenstuel and others state, title 25, on prescription, number 39, this is false when there precedes an inhibition with the acquiescence of those who could perform said acts, or not, and then prescription begins from...

[*Latin ed. p. 129*]

The Holy Congregation of Councils, in a decree made on the 129th day, prohibited [something]; this principle is confirmed in several Royal decisions before Falconieri, as in Colonien., Decanatus, July 3, 1712; Adiacen., Canonicatus, March 1, 1723, De iurep.; and in Salisburgen., Vicariae, January 31, 1714: there, De unione benef. dec. 2, n. 5: "All the more so, because this right of designation for secular matters has, since the year 1616, been established by the force of the decrees of the ecclesiastical Council, as well as by the force of the confession and approval of the Prefect at that time; therefore, it is useless to appeal to acts of free will, when the Monastery has been legally and by its own confession placed in a state of obligation, and without further contradiction, has continued in that state until the day the dispute arose." But ultimately, what resolved the tenuous claims of the Chapter concerning said right of designation in the granting of vacant benefices during Papal months, was the Chapter's own appeal to the Holy See to obtain, by grace, what it could not claim by right. In the year 1880, the Chapter, aggrieved that the right of designation had not been recognized by the Bishops Targioni and Capponi, considered bringing the matter before the judgment of the Holy See, in order to obtain at least an alternative that is usually granted to Bishops, namely, a reduction of the Papal months from eight to six; but the appeal encountered opposition in the Holy Supreme Congregation. Nevertheless, the Chapter decided to reiterate its petition, not before the same Holy Supreme Congregation, but directly to the Supreme Pontiff, as stated in the following declaration made by the Archdeacon in the Chapter session on December 30 of the same year, 1880: "Recalling to the minds of the assembled canons the practices already fruitlessly undertaken in order to obtain the faculty of designating for the benefices that became vacant during the months of Papal reservation, [they] proposed to appeal with a suitable memorandum to the Supreme Pontiff, imploring that this faculty be granted." A petition was

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drafted, and, supported by authentic documents, and also recommended by the Bishop Capponi himself, it was presented through the Most Reverend Cardinal Jacobini, then Prefect of the Vatican Secret Archives; but the petition, after a contrary opinion from one of the consultants of the Apostolic Dataria, which was consulted in this matter, was rejected. From what has been discussed so far, two things can be inferred: 1) the Chapter's claim to the right of designating reserved benefices has no solid foundation; 2) from the fact that the Chapter, in the final instance, turned to the path of grace, it has openly admitted that this right does not belong to it, or at least that it has renounced it.

II. Now, let us consider the other aspect of the appeal, namely, the right of election. The Chapter certainly maintains that it has not only the right to designate benefices in the months of reservation, but also to designate the ACTS, vol. IX, n. 3. — 1-3-917. 9

[*Latin ed. p. 130*]

130 Acta Apostolicae Sedis - Official Commentary, concerning the procedure for designating a person to fill a vacant position after the exercise of the right of appointment, reserving, however, the granting of the benefice to the Apostolic See. Regarding the matter, it is necessary to carefully distinguish between the right of nomination or presentation and the right of collation, and this, or the right of collation, having been taken away from the Chapter after the introduction of rule 9 of the Apostolic Chancery, or the reservation of Papal months, as mentioned in that Chapter; but the matter is demonstrated not only by the long-standing custom cited in its favor, but also by the decree of Innocent III, mentioned in chapter 31, "Cum Ecclesia Vulterana," title 6, "De electione et electi potest," book I, and by a certain parchment from which, among other things, it is gathered that Pope Alexander III, in the year 1180, requested the Chapter of Volterra to reinstate Ildebrandinus de Todini, a relative of the Pope, among its canons. It also adds that this privilege, as a form of patronage, was derived by them from the excorporation of the benefices from the common fund. But these matters require a somewhat more detailed explanation. Firstly, let us summarize the essence of the decrees of Innocent III cited above. The Bishop of Volterra had elected certain canons to the Cathedral, whom the Chapter refused to accept, claiming that the right to nominate them belonged to them. The Bishop appealed to the Bishop of Florence, who then transmitted the matter to Innocent III, requesting that the canons, or the Chapter, be compelled to perform their duties, and that it be declared that the right to nominate belonged to the Bishop, and not to the Chapter. But the Pope, in his decree dated 1206, resolved both matters in favor of the Chapter, namely that the Chapter had not erred against the Bishop because they had used their right to nominate the canons; 2) that the election of new canons belonged to the Chapter, and not to the Bishop, and he entrusted

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the execution of this decision to the Bishop of Florence. As for the second document on which the Chapter relies, the aforementioned parchment, in addition to the sworn testimony of Ildebrandinus de Todini from the year 1180, stating that he was nominated as a canon of Volterra by the Chapter at the urging of his uncle, Pope Alexander III, contains several other sworn testimonies concerning the ancient right of the Chapter of Volterra to nominate canons in its church, and of which account is taken by Innocent III in the aforementioned decree, towards the end. Furthermore, from these documents, the Chapter argues that it has the right to nominate, even during the reserved months, based on a patronage which it claims to have acquired through the excorporation of individual benefices from the common fund. However, even if it were admitted in this case that this right of nomination constituted a true patronage, because, according to Reiffenstuel in book 3 of the Decretals, title 38, and Ferraris, chapter on patronage, article 1, number 2, "patronage is the right of nominating or presenting a cleric for a benefice."

[*Latin ed. p. 131*]

The Holy Congregation of the Council, paragraph 131, states that a "vacant ecclesiastical benefice" does not, for that reason, escape the rule of the Apostolic Chancery, number 9. For, since the aforementioned right of patronage is ecclesiastical, it clearly falls under the reservation concerning the months, as commonly taught by the Doctors, as Gonzalez, *in loc.*, volume % number 144, states with regard to said rule. Therefore, Gagliardi, *De Beneficiis*, chapter 5, number 72, says: "Indeed, ecclesiastical patronage subjects the rights of the Decretals and Pontifical Constitutions to Pontifical reservations, both special and general." Now, if the right to nominate someone in the Chapter does not constitute true patronage, as the Bishop believes, because the Chapter contributed nothing to the founding of the benefice, but only conferred a simple privilege, then it must also be said to be abrogated by the very context of the first part of the cited rule, which, among other things, states: "The Supreme Pontiff... reserves to himself, in each of the months of January, February, April, May, July, August, October, and November, until it pleases Him, outside the Roman Curia, all ecclesiastical benefices with and without cure, to be conferred, provided, presented, elected, and for any other disposition whatsoever, to secular and regular ordinaries (except for Cardinals of the Holy Roman Church, or others included under agreements between the Apostolic See and any others, and by those who were obliged to accept and observe them, having accepted and observed what they did not intend to harm), in any way pertaining to them, reserving generally to His disposition: desiring that in petitions or grants of indulgences, which are made concerning said benefices then vacant, mention be made of the month in which they are vacant, otherwise no indulgences shall be granted." Indeed, if the words "benefices to

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be conferred, provided, presented..." are expanded in the attached text, "and for any other disposition whatsoever pertaining to any collators...", it seems that the reservation extends to elective benefices derived from any privilege, except in the case where the founder's will is contrary, when it is a question of a benefice founded from secular goods: and the reason for this exception is that, as is observed in Parmen. *De Beneficiis*, before Scotto, (in Piton, *Discourses on Ecclesiastical Law*, 25), "the will of the founders must not only be religiously observed, so that no one should be deterred from the foundation of benefices for fear of failing to observe those things which they particularly reserved in the act of foundation, but also because the Pope did not intend, by rule 9, to introduce a reservation contrary to the will of the founder, when the benefice was founded from profane goods," which is entirely different from the present case.

[*Latin ed. p. 132*]

The Acts of the Apostolic See – Official Commentary. Furthermore, the aforementioned chapter fully expounds the rights of the Chapter within the very Chapter Constitutions, as is clearly evident in chapter 5, in which the following is read: "We decree and declare, in the first place, that in our Chapter it is not 'permitted to confer the dignity of Archdeacon, which is the first after the Pontifical,' in any way, nor to provide for anyone in that office, since it has always been reserved to the Apostolic See. Furthermore, it is not permitted to the Chapter, in vacancies occurring only through death, to confer canonries, benefices, chaplaincies, or any churches whatsoever belonging to the disposition of our Chapter, except for a period of only four months, during which the collators, even those of lower rank, are present, namely, March, June, September, and December. In the remaining eight months, namely, January, February, April, May, July, August, October, and November, the Chapter must, in fact, abstain entirely from any conferral, so that, even if it does not do so, it will know that it has forfeited, by this very act, the right to confer which it claims to possess, as was also decreed by a visitation carried out with apostolic authority; and no right or title, however colored, can be acquired during the reserved months, as the rules of the Apostolic Chancery expressly caution." Furthermore, it cannot benefit the Chapter to obtain a dispensation, which does not pertain to the conferral of a benefice or canonry reserved to the Holy See in the aforementioned Bull, but only to the designation or nomination of a candidate, and that conditionally or subject to the approval of the Holy See; for this explanation first contradicts the tenor of rule 9, as we have recently seen, but is also refuted by the very words of the Chapter Constitutions: "The Chapter must entirely abstain from any conferral." As Pitonius says, I, chapter 12, section 56, "conferral sometimes signifies election, and every other act according to the subject matter; and he states in decision 249, section 2, before Seraphin, that benefices are free collators and are considered as electors or recipients."

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Furthermore, other nominations following, requested by other Pontiffs, after that of Ildebrandinus of Todini, at the request of Pope Alexander III, which the same Chapter recounts as follows: "Moreover, the nomination of the canon of Monte made in 1250 by the Chapter at the request of Pope Innocent IV, who thanks the canons with a letter of July 17 of that year; the nomination of the canon Fazzi, also made by the Chapter in 1471 at the desire of Monsignor degli Alii, Bishop of Volterra, and other nominations of a similar nature are further proof of the aforementioned right, which does not appear to have been diminished or destroyed by derogatory papal provisions." For whatever it may be.

[*Latin ed. p. 133*]

The Holy Congregation of the Council, in document 133, concerning these appointments, the time of which is not clear, whether it occurred during the free months for lower collators, or during a period of reservations introduced by the rules of the Apostolic Chancery; in fact, it is not certain that these appointments occurred after the aforementioned Constitutions, in which the Chapter sent a nuncio to anyone with the privilege of appointing to reserved benefices, in accordance with rules 4 and 9 of the Apostolic Chancery: therefore, in the present case, no consideration can be given to these matters.

As for the subsequent custom or prescription, especially under the Leopoldine laws, which arbitrarily abolished the aforementioned Apostolic reservations, it is clear that it could not have been effectively and canonically introduced, both because of the lack of good faith on the part of the Chapter members who were required to swear to uphold the Capitular Constitutions upon their entry into the Chapter, and because the aforementioned harmful laws could not absolve and free them from the Apostolic reservations. Indeed, this was the opinion and conviction of the canons, as evidenced by the petition made by the same Chapter to Pope Pius VII on June 21, 1805, in which they requested that, given the impossibility of observing the Pontifical reservations not recognized by the laws of the country, the faculty be granted, with regard to vacant benefices, to exercise the right of option and to proceed to the collation, even during the reserved months; to which petition the Pope responded "under extraordinary circumstances." From this instance and rescript, it is not unjustly argued that the Chapter itself admitted that it did not have the right of option or the right of appointment with regard to benefices reserved to the Holy See.

What has been said above concerning the restoration of Apostolic reservations in the Kingdom of Etruria after the concordat agreement between Pope Pius IX and Leopold II, the great Duke of that kingdom, with regard to the prohibition of exercising the right of option relating to vacant benefices reserved to the Holy See, can, with appropriate modifications, be easily ap-

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plied to the alleged right of the Chapter to appoint to them, and therefore, the same argument completely refutes it.

Therefore, from what has been discussed, we arrive at the following conclusions:

1. The Chapter of Volterra does not have the right of option, nor the right of appointment, even under any conditional formula, to benefices reserved to the Holy See.

1. When a reservation of months has been inserted among the rules of the Chancery, the authors dispute, as can be seen in the cited total decision of Farmen. Some say that it was done by Pope John XXII in the year 1316, who is commonly held to be the author of the rules of the Apostolic Chancery; others by Nicholas V, who sat in the Chair of Peter in the year 1347; and still others by Gregory XIV in the year 1590.

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis - Official Commentary concerning the jurisdiction and collation of benefices of the Holy See, or concerning monthly duties or by another title, according to the rules of the Apostolic Chancery, provided that its intention has not been legally proven; therefore, 2° the option exercised by the Chapter on July 9, 1915, during a reserved month, and the subsequent nomination of the Reverend Aloysius B. to a vacant benefice, arising from the aforementioned option, cannot be upheld; 3° the right of the Chapter, both concerning the option and concerning the nomination of canons, is only valid during free months, and concerning free benefices, according to the procedures established by the Chapter Constitutions; 4° And since that which the Chapter does not legally possess, requires that it be granted by grace, through the benevolence of the Holy See: it also appears that its requests should not be approved, both because, namely in 1881, this same grace, although restricted to the form of an alternative [benefice] (which is granted only to Bishops, not to other collators), was denied as being prejudicial to the rights and the supreme authority of the Holy See, and both because the current Bishop, and indeed not undeservedly, objects, because, as he himself adds, "otherwise, the Bishop, who after all is the one who governs the Diocese, would have no means of rewarding a priest, except 'almost by asking the Canons for charity, with not a small detriment, which those who consider it well, will also recognize.'"

Resolution. - Furthermore, after the following questions had been proposed in the assemblies of the Most Reverend and Venerable Fathers, held on January 27, 1917, namely: I. Whether the Cathedral Chapter of Volterra has the right, albeit conditionally and subordinately, to propose, or to present, or to choose for vacant benefices during months reserved to the Holy See, in this case. And to the extent that the answer is negative: II. How and to what extent should this grace be granted, in this case? The Sacred Congregation of the Council, after mature deliberation, considered

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it necessary to respond: To I. Negatively. To II. It is not expedient. After the aforementioned matters had been reported to His Most Holy Lordship, our Most Holy Father Benedict, Divine Providence, by the aforementioned Secretary of the Sacred Congregation, in an audience on the following day, His Most Holy Lordship deigned to approve the resolutions of the Most Reverend Fathers.

I. MORI, Secretary.

[*Latin ed. p. 135*]

The Holy Congregation of Religious Orders, 135.

SACRED CONGREGATION OF RELIGIOUS ORDERS.

INTERPRETATION OF THE CRUCIATAE BULL FOR MINOR FRIARS IN HISPANIA.

Since, through the Apostolic Brief "Ut praesens periculum" of August 12, 1915, the Cruciatae Bull, pertaining to places subject to the Spanish jurisdiction, was extended for twelve years, and its benefits were increased, a controversy arose among the Minor Friars concerning the interpretation of the indulgence "with regard to the law of abstinence and fasting," given the prescriptions of their Rule concerning Lent and fasting.

Therefore, the Reverend Vicar General of the Minor Friars of Hispania, in order to avoid scruples and to provide for the tranquility of conscience, proposed the following questions to the Sacred Congregation of Religious Orders:

I. Whether the Minor Friars of Hispania, or those residing in territories under Spanish jurisdiction, can make use of the indulgence granted by the Cruciatae Bull, so that they are only obliged to fast for three days; or rather, must they fast on all days of Lent?

II. Whether the privilege granted by the Bull with regard to abstinence includes the Minor Friars, as mentioned above, even on other days on which they are bound by the precept of the Rule to fast?

The Fathers in the General Congregation, on January 26th of the current year, 1917, responded with the following understanding: "The Cruciatae Bull in Hispania does not derogate from the law concerning the days of fasting prescribed by the Rule for the Minor Friars. In particular, concerning the Church's Lent, the Friars should not deviate from the universal practice of the Order. However, observing what must be observed, they can also, on days of regular fasting, make use of the indulgences granted by the Bull concerning abstinence or the quality of food."

This resolution of the Fathers was approved by His Holiness Pope Benedict XV, in an audience granted on January 28th of the same year and

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month, and it was ordered to be made public.

Given at Rome, from the Secretariat of the Sacred Congregation for the Affairs of Religious Orders, on February 1, 1917.

L. S.

ADULPHUS, Bishop of Canopita, Secretary.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. NOMINATIONS. By brief Apostolic letters: 22 December 1916. – The Apostolic Vicar of the newly established Apostolic Vicariate of Magellanensis in Patagonia Chilena, Reverend Father Abraham Aquilera, titular Bishop of Issensis, of the Salesian Congregation. 1 January 1917. – The Bishop of Chiensis, Reverend Nicholas Charichiopoulo. SACRED CONGREGATION FOR RITES. DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE SERVANT OF GOD, MARGARET RUTAN, OF THE SOCIETY OF THE DOLLARS OF CHARITY OF SAINT VINCENT DE PAUL, ALLEGEDLY MURDERED IN HATRED OF THE FAITH. No one can deny how disastrous, impious, and cruel was that disturbance of the public order in Gallus during the eighteenth century, which, according to accounts, caused not only countless victims, but also many martyrs, among persons of both sexes and of every age and condition. This is also attested by more recent investigative proceedings, duly conducted and submitted to the Sacred Congregation of Rites; and the relative causes of Beatification or Declaration of Martyrdom, recently initiated and under consideration by the aforementioned Congregation. Now, the question is being debated regarding the introduction of the cause of Beatification or Declaration of Martyrdom of the Servant of God, Margaret Rutan, of the Society of the Daughters of Charity of Saint Vincent de Paul, who, on 9 April of the year 1794, at ad Aquas Tarbellicas, commonly known as Dax, was...

[*Latin ed. p. 137*]

The Holy Congregation of Rites reports that she died for Christ. My own, born in Lorraine on April 23, 1736, of legitimate and honorable parents, and baptized on the same day, was a Handmaid of God, who later, on August 9, 1743, received the sacrament of Confirmation devoutly in the Cathedral Church of Melo. She remained with her family until the age of eighteen, during which time she progressed in age and virtue, and cultivated various disciplines, especially the art of printing, and the sciences of architecture and mathematics; which later proved to be of no small help to her in fulfilling the duties entrusted to her. Imbued with the sound principles of Christian piety and entirely averse to worldly vanities, she felt herself called to a state of perfect life. Therefore, at the age of eighteen,

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she spontaneously and generously requested admission into the Society of the Daughters of Charity of Saint Vincent de Paul; but, not until after three years of novitiate, having been tested first in the hospital of the city of Metz, and then in the house of the Society in Paris, was she received on April 23, 1757, among the novices. After completing her novitiate with commendable merit, she was sent by the General Superiress to several houses, according to the will and statutes of the holy Founder, who, with wise counsel, intended that, especially among the younger sisters, they should be attached to persons, places, and duties only through obedience. Under the care and direction of the Servant of God, the hospital for the poor and abandoned children in the city of Pau, as well as the workshop for making linen cloths, flourished greatly; in the city of Brest, she established a public institution, the economic administration of which Margaret devised and organized, and which she submitted for approval to the superiors in Paris; in Fontainebleau, she established a hospital for the sick, which was greatly loved and welcomed by Queen Mary Antoinette; in Blangy-sur-Bresle, she established a hospital for the care of the sick and schools for girls. Furthermore, in the city of Troyes, she advised in various ways regarding the development of the hospital. Finally, being assigned to Kis-Kajan, she fulfilled this, her last mission, until her death, in a good and proper manner. In that city, there were two hospitals, one belonging to the Holy Spirit, and the other called after Saint Eutropius, the revenues of which were so meager that they barely sufficed to maintain and care for a small number of the sick. It was decided by the administration that both hospitals should be merged into one, with a single building to be erected from the foundations. The diocesan bishop, Suarez Daulan, readily agreed to the wishes of the sisters, but was forced to abandon the project due to difficulties that arose. He was succeeded in the pastoral administration by the Reverend Lequien de Laneufville, who, emulating the charity and beneficence of his predecessor, began and completed the desired and prescribed work. He himself, at that time, residing in Paris, began a plan with the pastor.

[*Latin ed. p. 138*]

138 Acta, Apostolicae Sedis - The official commentary of the general Institute of the Charity of Girls, obtained a sister, Margaret Rutan, endowed with experience, intelligence, and virtue; whose principal works led to a successful outcome, namely the union and the construction of a new building from the foundations, under the title of St. Eutropius. While the industry, speed, and wisdom of the Handmaid of God were evident in providing a comfortable and healthy lodging for the sick and the poor, her diligence and charity in caring for and assisting those afflicted in body and soul were even more remarkable, throughout a long period, until the twenty-fifth year of her assigned mission, on December 25, 1793. A distinguished and public document, drawn up and signed by the administrators of the afore-

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mentioned hospital, in praise of the Handmaid of God and her companions, was presented on July 3, 1792, in which they, having been questioned by the Provincial Commissary about their opinion regarding the sisters residing in the hospital, whether they should be retained or dismissed, unanimously responded and declared that they should be retained due to the necessity and benefit to the poor. Meanwhile, the disturbances of the republic, which began in 1789 and increased in subsequent years, in the year 1794, gave the city of Dax a particular mark of religious persecution, instigated and promoted by Pinet, who also ordered religious women to be driven into prisons, and while many of them were sent to the prisons of the city of Pau, Margaret was to be thrown into the prison of the city of Dax, where she was held and afflicted for three months under severe duress. However, by Pinet and Cavaignac, on April 8, a special tribunal was constituted, and the following day, the Handmaid of God was summoned to trial, and without a proper trial, she was accused and condemned in a single moment. Taken to the place of execution, the innocent virgin was beheaded on the same day, April 9, 1794. Regarding the fame of the sanctity and martyrdom of the Handmaid of God, an informative process was completed by ordinary authority and sent to the Congregation of Sacred Rites in Rome. At the urging of the Most Reverend Mr. Raphaële Ricciardelli, procurator and general promoter of the Congregation of Missions, and with the attention of certain letters from several Eminences of the Holy Roman Church, as well as from numerous sacred prelates, superiors of institutes, and from distinguished men and women, canons, and others, at the request of the general moderator of the Congregation of Missions, together with the general prelate of the Charity of Girls, and after a review of the writings attributed to the aforementioned Handmaid of God, since nothing hindered further proceedings, the following Cardinal Anthony Vico, Bishop of Portua and St. Rufina, relator of this Cause, at the ordinary meetings of the Congregation of Sacred Rites, convened at the Vatican on the date indicated, proposed the following question for discussion: Should a commission be appointed to introduce the Cause and to effect what is being discussed? And the Eminences and Reverends Fathers.

[*Latin ed. p. 139*]

5. The Congregation of Rites, numbering 139, entrusted with the preservation of the rites, after receiving a report from the undersigned Cardinal Prefect, having heard the testimony, both oral and written, of the Reverend Father Angelo Mariani, Promoter of the Faith, and having carefully considered all matters, decided to write: That the Commission for the introduction of the cause should be approved, if it pleases the Most Holy [Pope]. January 19, 1917. Subsequently, these matters were brought before our Most Holy Lord Benedict XV, by the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites, in a report. His Holiness, having ap-

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proved the rescript of the same Sacred Council, deigned to sign with his own hand the Commission for the introduction of the cause of the Venerable Servant of God, Margaret Rutan, of the Society of the Daughters of Charity of Saint Vincent de Paul, on the 24th day of the same month and year. J$i A. CARD. VICO, Bishop of Portuense and of Saint Rufina, Sacred Congregation of Rites, Pro-Prefect. I, jjß S. Alexander Verde, Secretary. II ANTWERP, OR MECHELEN. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, SISTER ANNA OF SAINT BARTHOLOMEW, A NUN PROFESSED OF THE ORDER OF THE DISCALCED CARMELITES. ON A DOUBT. Concerning the miracles which are to be considered in this case, and to what extent: Whoever wishes to know the virtues with which Sister Anna of Saint Bartholomew was adorned in such abundance, can learn it better from no one than from that celebrated Virgin of Ávila, Saint Teresa: for she was her most beloved and inseparable companion, a sharer of counsels, a partner in works, and in labors. Therefore, it happens that, since the one cannot easily be separated from the other, while this Apostolic Decree concerns the disciple and spiritual daughter, it seems in some way to pertain also to the lawful Mother and Mistress. Among her most illustrious sayings, filled with heavenly wisdom, this one stands out: "Only God is enough."

[*Latin ed. p. 140*]

140 The Acts of the Apostolic See – this is the official commentary, and it is perfectly suited to this age, because it traces back to the roots of our ancestors, amidst so many hardships, ruins, and massacres, and demonstrates that deep foundation. For, having abandoned and neglected the principles of order and of the Christian life, the very foundation of justice has been undermined: therefore, it is not surprising that the human mind, steeped in the poison of perverse opinions, when it has strayed from the right path, sees everything shrouded in darkness and confusion. But the Redeemer of the human race, Christ Jesus, who knows how to adapt his remedies to the times, has so tempered the events that the two cures, of which we are speaking, which concern illnesses that had taken root, one in the head, or brain, and the other in the intestines, and had exercised their malignant power, although they had been treated a few centuries ago, are now, for the first time, revealed, having been obscured by age and illuminated by the light of more recent medical science, as if to show that, first, the mind of mortals must be healed, so that afterwards life may spread throughout the entire body and its members. Indeed, the proofs on which each case rests have not become outdated with the passage of time, nor have they been corrupted by any taint; they have remained exactly as they were when they were first investigated according to legal procedure. Barely three or five years had passed since, through the intercession of God, by the faithful servant of the same Family, the venerable Anne of St. Bartholomew,

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both cures had occurred. Therefore, it was fitting to hear and examine the witnesses, among whom were the healed, Father Leopold, and the healed, the Queen of France; and also the doctors and others who had witnessed the events with their own eyes. Consequently, in the case of the healing from the head, in full conformity with the requirements of the law, when the question of miracles is raised, the proofs that were then available were presented, and are still available, having been collected at the opportune time; and furthermore, the elements contained in both cases, which demonstrate the true miracle, were set forth, guided by a series of judicial acts and presented by men skilled in the art. These men, indeed, not only used their external authority, but also the force and weight of the arguments, which were adapted to persuade, to clearly and certainly demonstrate that the illness with which both Father Leopold and the Queen of France had been afflicted was located in a material, organic, or, as they say, anatomical and pathological lesion. This, as a foundation, was laid down in order to inquire into and explain how the illness of both Father Leopold and the Queen of France was driven away and removed.

[*Latin ed. p. 141*]

The Holy Congregation of Rites, in its deliberations, numbered 141, and the proceedings are recorded. These were experts who, having ascertained that the events in question were indeed sudden, or instantaneous, and perfect, could not but acknowledge that the outcome of both healings had surpassed the powers of nature. This judgment of learned men is perfectly sound and evident; indeed, one need not be a philosopher, nor a physician or surgeon, nor anyone else versed in the sciences, but simply possess common and natural sense. For any man of the people, instructed by everyday experience, has surely never seen, nor could ever see, a certain organic, grave, and chronic disease, which, though naturally curable, would be completely and perfectly healed in a single moment, with all damages caused by the disease also being repaired, as if they had never existed; if such an event occurred, he would immediately be seized with great admiration and astonishment, and, compelled by an irresistible force, or even unwillingly, would exclaim: "A miracle!"

Indeed, in order that the truth of both miracles might be easily and clearly evident to all, even to the most unlearned and ignorant of men, there was a lengthy and serious discussion about the matter; first, in the preparatory Congregation, second, in two subsequent preparatory Congregations, and finally, on the thirtieth day of the month of January, in the general Congregation, before His Holiness Pope Benedict XV. In this Congregation, the Most Reverend Cardinal Anthony Vico, the Relator of the cause, proposed the following question for discussion: "Concerning which miracles does the case consist, and to what effect do they pertain?" The Most Reverend Cardinals and Consultors, in turn, gave their votes;

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His Holiness, however, decided to postpone his final judgment, granting time to himself and to those present to seek light and guidance from the Father of Lights.

Today, on the First Sunday of Lent, after a sacred and devout ceremony, His Holiness summoned the Most Reverend Cardinal Anthony Vico, Bishop of Porto and Santa Rufina, Pro-Prefect of the Sacred Congregation of Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, the undersigned Secretary, and, in their presence, solemnly declared: "It is established that both miracles occurred; namely, the first, of the instantaneous and perfect healing of Father Leopold, of the Order of St. John the Baptist, from a chronic brain abscess, accompanied by severe symptoms of cerebral hyperemia, and the second, of the instantaneous and perfect..."

[*Latin ed. p. 142*]

142 Acta Apostolicae Sedis - Official Commentary concerning the complete healing of Mary, Queen of the Gauls, from a prolonged typhoid fever, her health being immediately restored. This decree was ordered to be made public and recorded in the acts of the Congregation of Sacred Rites on the 9th of March, in the year 1917. [Signed] A. CARD. VICO, Bishop of Porto and Santa Rufina, Sacred Roman Church, Pro-Prefect. L. * S. Alexander Verde, Secretary. III CARCASSONNE. DOUBTS. The current Vicar General of the Diocese of Carcassonne, by mandate of his Most Reverend Bishop, has humbly submitted the following questions to the Congregation of Sacred Rites for appropriate resolution: Namely: By the Indult of Cardinal Caprara, dated April 9, 1802, and subsequent declarations, in France, the observance of certain feasts is suppressed on their proper day, so that the solemnity, together with the observance, is transferred to the nearest following Sunday, which is not a prohibited day, on which one Solemn or Sung Mass is to be celebrated for the feast that is thus duly and devoutly observed. Hence, the following is asked: I. Does the aforementioned Indult of Cardinal Caprara, which has been observed in France up to now, with regard to the celebration of Mass for the transferred solemnity, still remain in force, notwithstanding the new rubrics and decrees concerning feasts transferred to a Sunday for the solemnity? And since, after the Dogmatic definition of the Immaculate Conception of the Blessed Virgin Mary in the year 1854, particular Indults were granted by the Apostolic See to the Dioceses of France, so that the solemnity of the Feast of the Immaculate Conception of the Blessed Virgin Mary might be externally celebrated on the Sunday of Advent immediately following the feast, with one Solemn or Sung Mass for the feast itself, it is asked: II. Do these Indults still remain in

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force?

[*Latin ed. p. 143*]

The Holy Congregation of Rites and the Sacred Rites Congregation, having heard the opinion of a special Commission, judged that the following should be the answers to the proposed questions: * To I. Affirmative, but with due regard to decree number 3754 of the "declaration concerning the transfer of the solemnity of the Feast Days," dated December 2, 1891. To II. Affirmative for those Dioceses of France to which the aforementioned Indult was granted; but with the same clauses and conditions observed. And thus it was decreed and declared, on January 26, 1917. >$(A. CARD. VICO, Bishop of Portuense and of Saint Rufina, Sacred Roman Church, Pro-Prefect. L. S. Alexander Verde, Secretary.

[*Latin ed. p. 144*]

144 Acta Apostolicae Sedis - Official Commentary ACTA OF THE TRIBUNALS. SACRED ROMAN ROTA I, PARISIAN. NULLITY OF MARRIAGE (GARREAUD-PIC) Under Pope Benedict XV, in the second year of his pontificate, on April 26, 1916, the Most Reverend Fathers, Reverend William Sebastiani, Dean, Ponens, Seraphinus Many, and Raphael Chimenti, Auditors at Tournon, in the case of the Parisian. - Nullity of marriage, between Helen Garreaud, represented by her legitimate procurator, Vincent Sacconi, advocate, and Aemilius Pie, with the intervention and dissent of the Defender of the Bond, by virtue of office, rendered the following definitive sentence in the second instance. Helen Garreaud, of the age of 20 years, entered into marriage with Aemilius Pie on August 12, 1899, under duress, through persuasion, reproaches, and threats. Therefore, it is not surprising that disagreements arose immediately between the spouses, and indeed they increased to the point that, after 12 years of conjugal life, the wife obtained a divorce decree from the civil authorities. Subsequently, concerning the nullity of the marriage from the grounds of violence and fear, she petitioned the Most Holy Pope Pius X, of blessed memory, to initiate the cause also in the first instance before His Holiness's Auditorium. After obtaining the Pontifical Commission and the completion of the investigation, it appeared that too few witnesses had been heard, so the Fathers of Tournon, on July 21, 1914, ordered that other witnesses be summoned; after this was completed, on May 21, 1915, the marriage of Helen Garreaud with Aemilius Pie was declared null. However, the diligent Defender of the Bond appealed from this sentence, and today the case is again presented for consideration under the usual formula of doubt: Whether the sentence of the Rota of May 21, 1915, should be confirmed, or overturned, in this case?

[*Latin ed. p. 145*]

It is proper to note briefly, as the Fathers have judged, that although

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fear, in itself, does not render an act null, but rather makes it rescindable at the request of the injured party, nevertheless, certain acts are considered valid in both jurisdictions, which, if performed under fear, are declared void by the law. In our law, this is well known in chapter 14, title concerning betrothals and marriages. "Where there is no place for consent, where fear or coercion intervenes, it is necessary that, wherever the consent of each is required, the matter of coercion be removed. Marriage, however, is contracted solely by consent, and where this is concerned, it must enjoy full security for him whose mind is being influenced, lest he say that he approves of what he hates, and follow the consequences that often result from marriages entered into unwillingly." Fear, however, must be grave; a slight fear is not considered, but rather an external, i.e., one proceeding from a free cause, unjust, and directly aimed at extorting consent. Regarding the first requirement, namely the gravity of the fear, Emilius Gasparri teaches that fear is grave if "a serious, or future, evil is present for that person who is afraid, and that person believes that this evil truly threatens him" (De Matrim., vol. II, n. 490, third edition). This can also be verified in the fear that is called reverential, provided it is qualified, i.e., provided that to it are added insistent prayers, harsh words, continuous reproaches, threats, etc., as held by the Holy Office in several of its decisions after its restoration. Thus, in two decisions of the Paris tribunal, dated February 26, 1910, and March 18, 1911, and in the Nice tribunal on July 31, 1910, etc. Now, concerning the case at hand. In the Act of the Accused, the following is stated: "She (Helen) was forced into this union by her mother, who, with continuous and repeated insistence and even with threats of putting her out of the house, absolutely forced her to undergo a union from which her will was completely alienated." And a little later: "She was forced to yield to the will of the stronger and to the fear that the threats would be carried out." However, according to the instruction of the Congregation of the Holy Office of June 20, 1883, "it must be considered whether those who are accused of violence or fear held parental authority and power, or whether those who suffered violence or fear were in no way subject to them; the reason for inflicting violence is that it may bring about a great disadvantage or disgrace to the proper home; the character of those inflicting it; their condition; their manners; how they are accustomed to govern the family; whether they were so inclined to anger and violence that they would easily carry out what they threatened, and whether they were so hard and obstinate in spirit that they would not tolerate anyone contradicting them, or objections being raised to their plans..." The following must be considered: ACTA, vol. IX, n. 3. — 1-3-917.

[*Latin ed. p. 146*]

146 Acta Apostolicae Sedis - Official Commentary: "Regarding the persons who are said to have suffered violence; it is easier for the mind of a

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young woman to be moved than that of a man; then consider the age, condition, education, circumstances, whether she was mild and timid, or strong and steadfast; consider the manner in which she was accustomed to live in the family, whether under the custody and vigilance of her parents, so that she was always and in all things subject to their authority." With these things before their eyes, the records state that Helen's mother was of an exceedingly imperious disposition. "When Mrs. Garreaud wanted something, she found a way to achieve it," said Photion. All of her daughters confirm this in one voice: "My mother is very authoritarian." Other witnesses describe her as "hideously authoritarian, a woman of decision." Indeed, since she had been a widow for a long time, she exercised authority in the home, and she considered it her duty as the mistress of the family to marry off her daughters (for she had six daughters) as soon as possible, so that she might provide them with a certain means of support and protection! Furthermore, she had taken over the business of her deceased husband, to which she devoted much effort, so that she scarcely had time left to attend to the needs of her daughters. Therefore, she gave them, one after another, in marriage, according to their age. When the time came for Helen to be given in marriage, she assigned her, without Helen's knowledge or consent, to Aemilius Pie. On the other hand, Helen, having been educated in a convent, was inexperienced in the ways of the world, and she lived at home with her sisters, without any other companionship, and she feared nothing more than being separated from them. She was not lacking in courage, but she feared her mother, and she had never known how to resist her will: "I noticed (said Photion in testimony 4) also her (i.e., Helen's) extremely deferential and submissive attitude towards her mother." And Sister MacTeigne in testimonies 3 and 4: "We all feared my mother, and in particular my sister, who was leaving the convent and knew nothing of the world... She (my mother) perhaps showed even more authority towards my sister because of her physical beauty, which attracted attention and imposed itself more." Furthermore, Helen absolutely opposed the marriage proposed to her by her mother with Aemilius Pie, as all witnesses testify. Thus, Eugenia Ruelland, the seamstress who frequented the Garreaud family and knew their secrets, recounts: "I made the dresses for Helen; it was through her that I learned of the engagement. I remember very well having received Helen Garreaud at my home several times, and being often involved in the life of the family. Very often Helen came to me in tears, complaining of being mistreated by her mother, of having received slaps because she did not want to marry Mr. Pie, whom her mother wanted to impose upon her; she told me that she could never marry that man."

[*Latin ed. p. 147*]

Saint Bòmana Bota 147 "was considered foolish, not knowing how to speak," etc. However, Helen manifested this opposition in every way pos-

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sible, as much as she could. Thus, her sister, Henrica Rouveau, said: "My sister, I repeat, until the very last day, manifested, as much as she could, her firm will not to marry Mr. Pic; for example, she never allowed herself to be approached by him to receive a kiss from him; my mother herself gave her the engagement ring, without her having to choose it; she only wore this ring on special occasions, when she could not do otherwise." The situation could not have been otherwise; indeed, the records state that Aemilius Pic was "of a very strange character," violent, a drunkard, and troublesome in the family, in which his father "was very strict with him... his mother died of grief... one of his brothers tried to commit suicide around the age of twenty years..." To overcome Helen's opposition, the mother did not use gentle persuasions, nor maternal prayers, but rather stubbornly used imperious and harsh words; as Henrica Rouveau, cited with other witnesses, testified: "My mother did not use prayers; she does not go into that detail; she did not try to persuade; she clearly told my sister: "You will marry Mr. Pic."" Nor were threats lacking. When Helen told her mother: "I will not marry Mr. Pic," the latter (according to the frequently cited H. Rouveau) replied: "You will marry Mr. Pic, or you will go to England, and I will never see you again." The same is testified to by her other sister, Elizabeth Mac-Teigne, and Eugenia Ruelland, the midwife. The first said: "She (Helen) was forced by my mother, who led her to leave as a governess abroad if she refused." The second testified: "When (the mother) presented Mr. Pic to her daughter, she informed her that she would marry him, and that if she did not want to, she would have to leave the maternal home to go as a governess to earn her living in a foreign land." Furthermore, the mother herself confesses this at 3: "No, my daughter was not free; she never stopped protesting, and I never stopped imposing my will upon her; I used all my influence; I first used prayers; but I felt I had to use threats, especially the threat of sending her as a governess abroad. I knew that this would be a very great sorrow and a very great moral humiliation for her; because she considered this situation as a state of domestic service." Therefore, it is not a matter of expulsion from the maternal home, which in itself can be a serious evil for a young woman, but of imposing a certain office to be exercised outside the family, which the mother, even considering French law, could do to her daughter, even if she was a minor and resisted. Moreover; to overcome

[*Latin ed. p. 148*]

148 Acta Apostolicae Sedis - Commentarium Officiale. The mother, in order to secure her daughter's will, even employed some physical force. This is testified to by Henrica Rouveau: "She (the mother) was unwavering in her will, and in order to overcome Helen's resistance, she even went so far as to slap her." A similar account is given by her sister, Elisabeth Mac-Teigne: "I was a witness to all the scenes, and I observed the traces of the

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violence that my sister had suffered. One day, even a seamstress, who was trying on a dress, noticed the marks she bore on her arm." These accounts are corroborated by her other sisters, Amelia Fahre and Joanna Beer, and the mother herself confirms: "I even, in the vividness of the scenes, employed a certain brusqueness, taking her violently by the arms; she even bore the marks of it." It is true that the actress does not speak of any physical abuse, but the actress's silence cannot excuse the matter, since these abuses are reported by several witnesses who saw them. It must also be noted here that we are not dealing with fear in the strictly defined and ordinary sense, but with reverential fear; in ordinary fear, the severity of the abuse or threats must be clearly demonstrated; this is not the case with reverential fear, where, in addition to the reverential fear itself, reprimands, vexations, quarrels, threats, and persistent and lengthy persuasions are sufficient, and not even cumulatively, but also separately: all of which, as clearly demonstrated by the facts in our case, leave no room for doubt about the severity of the coercion. Helen resisted this maternal authority as much as she could, by denying, weeping, and arguing: "As resistance to oppose to the maternal will, she had only her prayers, her tears, and her supplications," according to H. Rouveau. She could not openly express her opposition to the betrothal, because the mother took care to ensure that she was never alone with the intended groom. Nor could she appeal to her sisters or her uncle. Certainly not to her sisters, as they were subject to the mother's domination. Thus, Aurelia Febvre testified: "My mother commanded everyone, even our brothers-in-law, and did not admit of any response, any discussion," and Henrica Rouveau: "My sister could not involve anyone, nor could we; for more than she, we would have been spared the slaps, or something of the same kind." Nor could she appeal to her uncle; for Helen had been instructed by her mother about the uncle's arrival after the completion of the civil ceremony; that is, on the eve of the religious marriage. Deprived of these aids, Helen did not fail to seek an opportunity to break off the betrothal; and so, when the mother received a letter from the Reverend Lemperier, canon of Versailles, in which he warned of the frail health of Aemilia Pie, she intended to use this opportunity, but the mother, after a momentary hesitation, did not cease to urge the marriage with her usual imperious words. Likewise, two days later...

[*Latin ed. p. 149*]

Saint Bonaventure recounts that, 149 years before the marriage, when the civil contract was being entered into, the bridegroom had indulged too much in drunkenness. Helen requested that her mother arrange for the betrothal to be dissolved; but her mother replied that, once the civil marriage had been completed, it was impossible to withdraw from the betrothal. Helen's opposition to the marriage that was being proposed to her lasted until the very marriage itself. She herself said: "The night before the

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religious marriage, and also in the morning, I wept a great deal, and I tried to resist; my mother told me that it was impossible to go back, that my uncle, the chaplain of the Benedictine nuns of the Isle of Wight, had come especially to marry me." And the four sisters, her mother, and Eugenia Ruelland all agree on the duration of this opposition until the marriage. Thus, the marriage was entered into under these circumstances; and if these circumstances are combined with those that followed the marriage, we can be certain that moral coercion persisted in the very act of performing the religious ceremony: for a change of state of mind or will is not presumed, given the same circumstances. Furthermore, regarding the circumstances that followed the marriage, the records state that, barely ten days after the marriage had begun, arguments arose between the spouses, so that Helen asked her mother to send her sister Elizabeth to her for help and support, as Elizabeth and her mother recount. Elizabeth says in statement 6: "From the very first days that followed the departure for the wedding trip, my sister wrote to me to come and join her, and she did so in the most urgent manner. I myself was a witness to violent scenes that terrified both my sister and me." Her mother also states the same in statement 6. Even Photion, as a witness by virtue of being a guest of the newlyweds, recounts that one night he heard "threats from the husband and pleas from the wife... The next day, the young woman felt she had to give me an explanation: 'My husband has brutalized me,' she said. And as I expressed indignation and pity, she added: 'Alas! if that were the first time!'" The records also state that, three years after the marriage, Helen fled to her mother, who, on the same day, brought her back to her husband: "The first time (says Elizabeth), after about three years, following a scene in which Mr. Pic had chased her to hit her, as he often did, my sister took refuge with my mother, who brought her back to her husband the same day. The life together continued in this painful manner; things went from bad to worse for about ten years, until the final separation." Having presented these many difficulties, the Fathers said that they were satisfied, except for one point, which was taken from the records, namely, that if a new request for information were made to the judges of the first instance...

[*Latin ed. p. 150*]

The Acts of the Apostolic See – Official Commentary 150 could not be held, because the cited witnesses had already been claimed by death; therefore, the judges had no basis for rendering a sentence against the marriage bond. However, it must be noted that the judges of the first panel considered the necessary instruction to be required not because there was doubt about the proof of nullity, but because all the witnesses, especially those who had played a principal part in the marriage, had not yet been heard according to the prescriptions of the sacred canons. Nor should it be said that the witnesses, who are said to have demonstrated fear, were all or almost

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all from the actress's family, and that they testified out of love rather than truth. Indeed: 1) in the records, we have witnesses who were summoned from outside the actress's family, who not only attest nothing against the statements of other witnesses, but rather confirm them, for example, asserting the imperious nature of the mother and the reputation for the vexations she suffered, and the frequent quarrels that arose between the spouses. 2) It is no secret that, in matrimonial causes, the parents and relatives of the spouses can legitimately be admitted to testify, as is clear from chapter 3, title "Qui matrimonium accusare," etc. After carefully and diligently considering all of these things, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, invoking the name of Christ, declare and definitively pronounce the sentence of the Sacred Roman Rota of May 21, 1915, to be confirmed, that is, to the proposed question we respond: Affirmatively to the first part; Negatively to the second. Thus we pronounce, ordering the Ordinary of the place and the officials of the tribunals to whom it pertains, to order the execution of this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, De reform., of the Council of Trent, employing the executive and coercive means that may be more appropriate and effective for the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on April 26, 1916. William Sebastianiii, Dean, Presiding. Seraphinus Many. Raphael Chimenti. L. © From the Chancery, May 27, 1916. Sac. T. Tani, Notary.

[*Latin ed. p. 151*]

& Romanus Boletin 151 II LONDON. CONCERNING THE DIVISION (INCIDENT). On August 5th of the year 1914, this Holy Tribunal, for the first time, issued a final judgment, by virtue of a Pontifical commission, in which it was decreed that the division of the parish of Our Lady of the Lake, in the diocese of London (Canada), was legitimate, and that provision was made for an equitable distribution of burdens between the mother parish and the filial parish. Both advocates, namely, Advocate Angelo D'Alessandri, advocate for the London Curia, and Advocate Vincent Sacconi, advocate for the parish of Beaudoin, appealed against this judgment, the former appealing against the part of the judgment which declared the division to be legitimate, and the latter appealing against the part of the judgment which established the distribution of burdens between the parishes. These appeals, as is customary, were more precautionary, that is, until the mandates of the court reached the advocates. The former, the Most Reverend Bishop of London, ratified the appeal of the advocate for his Curia; afterwards, that is, on March 30th of the year 1915, the Reverend pastor of Beaudoin ratified the appeal interposed in his name. As for the Promoter of Justice, who had been the principal party in the judgment, in order to uphold the canonical laws concerning the division of parishes,

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he did not appeal; indeed, the judgment, in his opinion, had been pronounced correctly. Furthermore, the Most Reverend Bishop revoked the appeal interposed in his name on April 22nd, 1915; upon knowledge of this revocation, the Reverend pastor of Beaudoin also revoked his appeal; and since the Promoter of Justice had not appealed, it seemed that the case was abandoned, lacking parties to litigate. Therefore, Advocate V. Sacconi, advocate for the parish of Beaudoin, repeatedly urged the judge to issue a decree declaring the case closed: which was done on April 27th, 1916. From this decree, Advocate D'Alessandri appealed on May 1st: and the judge admitted this appeal, and, in accordance with paragraph 82 of the Regulations of the Holy Rota, referred the matter to the Turn, ordering, at the request of the advocate D'Alessandri, and because of the importance of the matter, that the question be discussed through a Memoriale with a doubt, namely: Whether the decree concerning the closure of the case, of April 27th, can be upheld in this case. Furthermore, the Lords Auditors considered that the aforementioned decree could not be upheld. The fundamental reason for the decree is that, in the present case,

[*Latin ed. p. 152*]

152 Acta Apostolicae Sedis – The official records lack the documents pertaining to the parties in dispute. However, this is not true. Indeed, the Illustrious Bishop revoked his appeal on April 22nd; but this revocation, written in a letter from the Bishop to the notary of this Holy Tribunal, was entirely unknown until the first days of November 1915. It was indeed filed in the case records, but hidden on a separate sheet, not notified to anyone, not communicated to anyone, not known to anyone, and therefore, while it existed materially in the records, it did not exist formally and truly, because it could not be found except by chance: and in truth, it was found by chance by the lawyer V. Sacconi, as he recounts in his petition of November 15, 1915. Therefore, since the aforementioned revocation was not truly and properly in the records, according to the most well-known axiom, it did not exist: which is especially true in the Holy Rota, where that which is not in the records is considered as if it were not, and is neither relevant nor considered, as the Holy Rota has often decided (e.g., among the more recent decisions, decree 197, no. 15, part V, vol. 1; decree 600, no. 11, part V, vol. 2; decree 113, no. 8; decree 264, no. 17, part VIII; decree 49, no. 11, part XII, and many others; which are cited or mentioned therein). Hence, it follows that the Bishop could change his mind, and, so to speak, revoke that revocation, during the entire period in which the revocation remained hidden; for it is well known that someone can change a disposition, even if it is favorable to a third party, as long as this disposition has not been duly communicated to that third party: thus, in judicial matters, the party in dispute who has revoked a procurator can, as long as the revocation has not been duly communicated to the procurator (or to the judge), change their

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mind and annul the revocation; nor does it matter if the communication was perhaps delayed by chance, as long as there was no fraud. Therefore, also in the present case; as long as the revocation of the appeal, carried out on April 22nd, remained hidden, and was not truly in the records, as has been said, the Bishop could annul it. Nor can the Rule of Law VI be objected, namely: "No one can change their mind to the detriment of another." For, as Reiffenstuel correctly explains this Rule, this Rule only applies when a right has been sought from another; thus, the donor cannot revoke a donation that has already been accepted by the donee; but he can revoke it as long as it has not been notified to him and accepted by him. And in the same way, Rule 21 of Law VI should be interpreted: "What has once pleased cannot displease," namely when a right has been sought from another. Furthermore, in the case, as long as the revocation of the appeal remained hidden, and was therefore not in the records, it did not constitute a right sought by the parish priest Beaudoin, and therefore the Bishop could, by changing his mind, annul it. Furthermore, it is true that the Bishop, during the time when the act of revocation of April 22nd remained hidden, changed his mind, by annulling and suppressing this act. Indeed, in that memorandum, which is mentioned in the decree concerning the end of the dispute, it is stated that...

[*Latin ed. p. 153*]

Furthermore, the Bishop of Cattolica states: "Therefore, in the name of established customs, and for the 'protection of the interests of the Holy Catholic Faith,' I appeal against that part of the decision of the Holy Roman Rota, by which any financial compensation is granted to the mother parish of Notre-Dame-du Lac." This declaration by the Bishop, however, does not constitute an appeal, since it was not made within the legally prescribed time limits; but it certainly serves as a manifestation of the Bishop's will, who had changed his mind and revoked the action of April 22nd. This revocation of the action of April 22nd took place at a time when that action was still pending, since the Bishop's memorandum to the advocate V. Sacconi was notified on November 2nd, and the letter of April 22nd was not officially recorded until November 15th, when the aforementioned advocate V. Sacconi, in his petition of that day, stated that he had found the aforementioned letter by chance and thus made it known to the Tribunal. Therefore, since the Bishop revoked and annulled the action of April 22nd within the appropriate time, his appeal against the decision of the Roman Rota of August 5, 1914, remains valid, and thus, in this second instance, the parties remain in dispute, and therefore the basis for the decree declaring the dispute settled, of April 27, 1916, collapses. Moreover, assuming, without conceding, that the revocation of the appeal, made by the Bishop on April 22nd, had all its legal effects, and that therefore the Bishop, as far as he was concerned, withdrew from the dispute, this does not mean that the

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parties in dispute were thereby absolved. Indeed, the agreement to settle the dispute, made on October 27, 1915, is valid and binds both parties. It is true that the parish priest Beaudoin promoted this agreement to settle the dispute, and he consented to it through error, since he falsely believed that the Bishop had retained his appeal. But it does not follow from this that the agreement, such as it is, was invalid; for the error of the parish priest Beaudoin was not about the substance of the agreement, but only about a certain accidental circumstance. The substance of the aforementioned agreement is the resumption of the entire case and the revision of the entire judgment in the second instance; and in this, the parish priest was not mistaken, since he knew perfectly well that this was the purpose of the agreement to settle the dispute, and he consented freely to it; his error was only about a certain accidental circumstance, namely, as stated, that he falsely believed that the Bishop had retained the appeal, which he had interposed against a certain part of the Roman Rota's judgment. But an accidental error, even if it is the cause of the agreement, does not invalidate a burdensome contract; for the erring party nevertheless consents to the substance of the contract (cf. Beusch, De pactis et contractibus in genere, cap. VII, n. 10 seq.; D'Annibale, Summula, t. II, n. 413); only when the error is the cause of the contract does it invalidate a burdensome contract, if...

[*Latin ed. p. 154*]

154 Acta Apostolicae Sedis - The official commentary can render it null and void, provided that an error arose from deceit or fraud on the part of one party: which deceit is entirely absent in this case. Furthermore, the procuration granted to the advocate D'Alessandri, by virtue of which he consented to the settlement on October 27th, was valid: for in the citation of July 26th, which was sent to the bishop, Ponens requested that he appoint a procurator for his court for this specific cause in London. – Dismembration: moreover, the bishop responded by granting advocate D'Alessandri procuration for all causes which were being conducted in the Sacred Roman Rota in his name, among which, without doubt, was this one, namely, the one in London. – Dismembration: therefore, this procuration, so specified in the citation, is in conformity with paragraph 4, number 2, of the Regulations of the Sacred Roman Rota, so that there can be no doubt about its validity. Consequently, the settlement of October 27th is legitimate, as are all the acts which followed it. With this settlement established, it is forbidden for one party to the dispute to renounce it without the consent of the other party: since therefore the bishop does not wish to withdraw from the dispute, neither is it permitted for the parish priest to withdraw from the dispute. Having therefore considered and carefully pondered all these matters in law and in fact, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decree, declare and define that the aforementioned decree concerning

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the concluded dispute, of April 27, 1916, cannot be sustained, and We suppress and annul it in fact, and thus We respond to the proposed question: Negatively. In Rome, in the seat of the Tribunal of the Sacred Roman Rota, on July 28, 1916. Seraphinus Many, Ponens. Ioannes Prior. Aloisius Sincero L. © S. From the Chancery, October 24, 1916. Sac. T. Tani, Notary.

[*Latin ed. p. 155*]

Secretariat of State 155. ACTS OF THE SECRETARIAT OF STATE. LETTER TO THE REVEREND FATHER FRANCIS OF LITHUANIA, BISHOP OF KAREVIC, TO THE PEOPLE OF SOLATUR AND SAMOGITIA: TWENTY THOUSAND LIVRES STERLING OFFERED FOR ASSISTANCE.

Most Reverend and Venerable Lord, It was painfully known to the Holy Father that the people of Lithuania, through the ravages of the European conflict, have been afflicted with a fate among the most miserable, so that the flourishing fields and rich cities of that afflicted region are now reduced to squalor and ruin. But what most touched the merciful heart of the common Father was to learn from a special message from the Lithuanian Central Committee that the charity of brothers from all over the world, which has so admirably demonstrated itself towards so many victims of the war, and particularly towards the populations of Belgium and Poland, has not yet reached the unfortunate inhabitants of the noble Lithuania, who for so long have languished in privation and sorrow. Deeply moved by the lamentations of so many of his children, who hold the high title of having always been faithful to the religion and the Church, the August Pontiff does not cease to offer for them special and fervent prayers, that they may soon obtain the comforting effects of divine mercy.

Meanwhile, wishing also personally, as far as current difficulties and the increasing multitude of the most pressing needs allow, to contribute to alleviating their plight, His Holiness deigns to allocate to their benefit the sum of twenty thousand livres sterling, expressing, if not wealth, at least the love of the Father of the poor. But it is known to Him, through the harsh experience of no less than thirty months of war, how necessary it is that assistance be given to the native Lithuanians;

[*Latin ed. p. 156*]

156 Acta Apostolicae Sedis - Commentarium Officiale: Above all, a worldwide contribution should be made by all those who, although experiencing the repercussions of this immense conflict, have not been subjected to such a grievous trial. The Holy Father, as He already did for the benefit of the populations of Poland, has deigned to authorize Your Eminence and Reverend Excellency, and the other Bishops of Lithuania, to invite their brother Bishops throughout the world, so that on a festive day of the current year, which could be the Sunday within the Octave of the Ascension, public prayers may be held in all Catholic churches,

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and a charitable collection be taken for the relief of the poor Lithuanians. The August Pope is confident that His paternal appeal will be met with generosity proportionate to the misfortunes, by those who feel the bonds of Christian fraternity; and He trusts that the fruits of this pious offering will return to those desolate multitudes, providing not only temporary economic assistance, but also no less comfort of spirit. Furthermore, as a sign of paternal benevolence towards the abandoned Lithuanian children and towards all those good faithful who strive to alleviate their sorrows, the August Pope imparts to all, from the heart, the apostolic blessing.

Your Eminence and Reverend Excellency will kindly see fit to notify Your Most Reverend Colleagues in the Lithuanian Episcopate of the foregoing, and will, together with them, take the appropriate measures to ensure that the requested collections are gathered and subsequently sent, either directly or through the Holy See, to the Lithuanian Executive Committee for the Relief of War Victims, which is located in Lausanne (Switzerland). I gladly avail myself of this opportunity to declare, with sentiments of distinct and sincere esteem,

From the Vatican, 10 February 1917.

Your Eminence and Reverend Excellency,

Your Servant,

P. CARD. GASPARRI.

[*Latin ed. p. 157*]

157 DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. Tuesday, January 30, 1917, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the General Congregation of the Sacred Rites was held, in which the Eminent and Reverend Lords Cardinals, the Reverend Prelates, and the theological Consultors who comprise it, discussed a doubt and gave their vote on two miracles which are asserted to have been wrought by God through the intercession of the Venerable Anne of Saint Bartholomew, a professed nun of the Discalced Carmelites in Anversa; these miracles are proposed for the beatification of the aforementioned Venerable Servant of God. Tuesday, February 13, 1917, in the Apostolic Palace at the Vatican, with the participation of the Eminent and Reverend Lords Cardinals, and with the vote of the Reverend Prelates and the theological Consultors comprising the Sacred Congregation of Rites, the Preparatory Congregation was held to discuss the doubt as to whether there existed martyrdom, the cause of the martyrdom, and the signs or prodigies of the Venerable Mary Magdalene Fontaine and three companions of hers, Daughters of Charity, and also of the Venerable Mary Clotilde Angela of Saint Francis Borgia and ten companions Ursuline nuns of Valenciennes, who are asserted to have been killed in hatred of the Faith in the

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year 1794.

SACRED PENITENTIARY. APOSTOLIC NOTICE OF COMPETITION. It is hereby notified that in the Holy Tribunal of the Apostolic Penitentiary, a competition will be held for the provision of a vacant office, through a written and oral examination. The written examination will be held on March 23rd next, at 8 o'clock in the morning; the oral examination will be held on the 27th, at 9 o'clock in the morning. Priests who wish to participate in this competition must, no later than March 20th, present their application, accompanied by the necessary documents for admission, to the secretariat of said Holy Tribunal. It is noted, however, that, with the exception of those who already belong to the aforementioned Holy Tribunal, those who have passed their 35th year of age will not be admitted to the competition. From the Secretariat of the Holy Penitentiary, February 22, 1917. Bernard Colombo, Regent.

[*Latin ed. p. 158*]

158 Acta Apostolicae Sedis - Commentarium Officiale SECRETARIATUS STATI, per mandato del Secretarius Statis, Sanctissimus Pater dignatus est promovendum: 15 Februarii 1917. R. P. Ioannes Baptista Ogno Serra, a Secretario Nuntiaturae primae classis ad Auditorem secundae classis, ad officium praestandum in Nuntiatura Apostolica in Belgio. 16 » » R. P. Benedictus Aloisi-Masella, a Auditore Nuntiaturae secundae classis ad Auditorem primae classis. Per litteras Secretariatus Statis, Sanctissimus Pater dignatus est nominandum: 2 Februarii 1917. R. P. Ioannes Baptista Marenco, Archiepiscopus titularis Edessae, Nuntius Apostolicus in Costa Rica, Nicaragua et Honduras. 7 » » R. P. Ladislaus Zaleski, Patriarcha Latino Antiochiae, Consultor Sacrae Congregationis de Propaganda Fide. 13 » » Eminentiissimus Cardinalis Iulius Tonti, Praefectus Sacrae Congregationis Religiosorum. 16 » » R. P. Evaristus Lucidi, Consultor Octavae Congregationis Concilii. 26 » » Eminentiissimus Cardinalis Gaetanus Bisleti, Protector Carmelitarum Scalitarum Sancti Remi. 22 » » R. P. D. Carolus Chiarlo, Secretarius Nuntiaturae secundae classis, ad officium praestandum in Internuntiatura Apostolica in Peru. 28 » » R. P. D. Maurilius Silvani, Secretarius Nuntiaturae secundae classis, ad officium praestandum in Nuntiatura Apostolica Austriae-Hungariae. 28 » » R. P. Leopoldus Capitani, Substituto Reggentis Cancellariae Apostolicae. Per Brevia apostolica, Sanctissimus Pater dignatus est nominandum: Protonotarium apostolicum ad instar participantium: 5 Novembris 1916. R. P. Carolus Fr. M. Beniaminus Vernier, ex dioecesi Montispetrii.

[*Latin ed. p. 159*]

From the Roman Curia Diary, to the Most Reverend Domestic Prelate: January 26, 1917. Monsignor Domenico Mariani, Secretary of the Cardinal Commission administering the assets of the Holy See.

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HONORS: With Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, with insignia: February 4, 1917. To the Most Noble Count Cesare Caterini, of Rome.

The Order of Saint Gregory the Great, civil class, with plaque: January 25, 1917. To the Reverend Doctor Giuseppe Frenken, of the Archdiocese of KolÃn.

January 26, 1917. To the Reverend Mr. Martino Melvin, of the Archdiocese of Birmingham.

The Order of Saint Gregory the Great, civil class: January 26, 1917. To the Most Noble Count Vincenzo Sacconi, Consistorial Advocate.

January 26, 1917. To the Reverend Professor Alberto Guidi, Consistorial Advocate.

January 30, 1917. To the Reverend Doctor Riccardo Aranda, of the Archdiocese of Lima.

February 5, 1917. To the Most Noble Count Alessandro Zileri Dal Verme, of the Diocese of Vicenza.

February 7, 1917. To the Reverend Mr. Vittorio Chateauvert, of the Archdiocese of Québec.

The Order of Saint Gregory the Great, civil class, knighthood: November 28, 1916. To the Reverend Mr. Edoardo Settimo Graham, of the Apostolic Vicariate of Sierra Leone.

January 27, 1917. To the Reverend Mr. Pietro Cestelli, of Rome.

January 28, 1917. To the Reverend Mr. Francesco Giuseppe Giovanni Verbunt, of the Diocese of Bois-le-Duc.

February 15, 1917. To the Reverend Mr. Domenico Sabbatini Roselli, of the Diocese of Montefeltro.

The Order of Saint Sylvester the Pope: January 30, 1917. To the Reverend Professor Ernesto Boezi, Director of the Julian Chapel in the Vatican Basilica.

[*Latin ed. p. 160*]

160 Acta Apostolicae Sedis - Official Commentary

MAGGIORDOMATO DI SUA SANTITÀ

By order of His Holiness, and with the tickets of His Eminence, the Reverend Monsignor Maggiordomo, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

January 31, 1917. Monsignor Giovanni Tommaso Layrai, of the diocese of Cabours (France).

February 3rd. Monsignor David J. Hickey, of the diocese of Brooklyn.

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February 10th. Monsignor Umberto Leonardi, of the diocese of Macerata.

Extraordinary Chamberlain of Honour, with Sword and Mantle, to His Holiness:

February 8, 1917. The Reverend Mr. Domenico Piani, of the archdiocese of Modena.

Chamberlain of Honour in purple vestments to His Holiness:

November 20, 1916. Monsignor Edoardo F. Hoban, of the archdiocese of Chicago.

NECROLOGY

February 7, 1917. His Eminence, Cardinal Diomede Falconio, Bishop of Velletri, Prefect of the Sacred Congregation for Religious.

February 9th. His Eminence, Cardinal Carlo De Hornig, Bishop of Veszpri, in Hungary.

February 16th. Monsignor Antonio Sardi, titular Archbishop of Palmira.

February 19th. Monsignor Giacomo Bellucci, Bishop of Chiusi and Pienza.

February 22nd. Monsignor Primo Dochi, Abbot of Sant'Alessandro di Orosci in Albania.

February 25th. Monsignor Antonio Sisto Alban, titular Bishop of Betsaida.

February 27th. Monsignor Antonio Gjivojc, Bishop of Spalato and Macarska.

[*Latin ed. p. 161*]

Year IX - Vol. IX, March 26, 1917, No. 4.

ACTA APOSTOLICAE SEDIS, OFFICIAL COMMENTARY

ACTS OF POPE BENEDICT XV

SACRED CONGREGATION

On March 22, 1917, a secret Consistory was held in the Apostolic Palace at the Vatican, the acts of which are reported as follows:

I. - ADDRESS OF HIS HOLINESS, POPE BENEDICT XV

"Most Venerable Brothers,

We have convened your most esteemed assembly today for the purpose of appointing new bishops to the dioceses. Although this matter could have

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been addressed outside of this Consistory, We have deemed it fitting to revive the former practice of treating such matters in the Sacred Consistory, and even more so because among the vacant episcopal sees, there is the see of Velletri, to which it is entirely fitting to give due consideration in this matter.

However, before we proceed to the matter at hand, We shall take this opportunity to address you on another matter of grave importance. You know, Venerable Brothers, that Our Predecessor of blessed memory, Pope Pius X, reformed the "Ordinatio Romanae Curiae" established by Sixtus V, and that over time, many parts of it have become obsolete."

[*Latin ed. p. 162*]

162 Acta Apostolicae Sedis. The Commentary Official states that a change had occurred "so that the jurisdiction, or competence, of individual [Congregations and Offices] had become unclear and not well defined." By the Constitution *Sapienti consilio*, dated July 1st, 1908, it was decreed that this order should be "renewed in a suitable and clear manner." Indeed, when considering and preparing the drafting of this Constitution, the matter of uniting the Sacred Congregation of the Index and the Holy Office was also considered. And it is clear that this was in the mind of the prudent Pontiff, not only from what was done at that time, but also from the testimonies of distinguished men who had a part in these matters. For it seemed fitting, if we may say necessary, that the Congregation whose supreme ministry was the safeguarding of doctrine, faith, and morals, should also undertake the task of overseeing the publication of books and other writings (for, since this is the most expeditious means of disseminating human thought, it is remarkable how powerful it is, whether for the betterment or the corruption of souls); moreover, it seemed that the aforementioned Holy Congregation should have this kind of function, as a principal, proper, and unique one: so that even disputes regarding competence between these Congregations might be avoided; which, as we have said, was not the least reason why the new order of the Curia was undertaken. Furthermore, the Holy Office Congregation had often exercised censorship over books and other writings whenever it had judged it necessary or useful: which was a matter of no small importance in carrying out or rather restoring the union of the two Congregations; for from the beginning, they had been one and the same, although at a later time it seemed opportune to separate them. However, since there were some things that discouraged their being united again at the present time, it was decided by the Predecessor to postpone the matter for the time being, to accomplish what was possible, and to leave the other things he had proposed to his Successors to amend, if they so wished, when the time was right. Now, with those obstacles removed, We, fully agreeing

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with Our Predecessor, having taken into counsel those very same—

[*Latin ed. p. 163*]

The acts of Pope Benedict XV, year 163, concerning those men who have served this same Pontiff in this matter, before a new code is promulgated, and so that in it nothing may be lacking in this regard either, We have decreed to assign to the Holy Congregation of the Holy Office the duty of condemning writings that are clearly erroneous, so that it may be its own and particular function, as it has been up to now for the Holy Congregation of Indices, which will cease to be so from this very moment. > But so that the Holy Office may not be overburdened by too many matters through this addition of duties, it seems fitting to establish that henceforth everything pertaining to Indulgences shall be attributed to the Apostolic Penitentiary; which, according to its customary manner, will judge all matters concerning "the use and concessions of Indulgences, with the reservation of the right of the Holy Office to examine those matters that pertain to dogmatic doctrine concerning new prayers and devotions." This is suggested by the affinity of the matters with which the Apostolic Penitentiary deals. With these changes, We seem to render perfect, as far as human affairs permit, the organization of the Roman Curia, and also to fully bring to fruition the illustrious plan of Our Predecessor. Now, We come to the appointment of Bishops. II. - APPOINTMENT TO THE SUBURBAN CHURCH OF VELITERNE. Our Most Holy Lord appointed the Most Reverend and Venerable Cardinal BASIL POMPILJ, general vicar of the Holy See, to the suburban church of Veliterne, dismissing him from the presbyteral title of S. Mariae de Arcaeli. III. - APPOINTMENTS TO CHURCHES. After these matters, Our Most Holy Lord provided the following churches with their proper pastors, namely: He appointed the Reverend Father Dom John Gamberoni as the pastor of the metropolitan church of Vercelli, who had previously been the Bishop of Clavarense. He appointed the Reverend Father Dom Peter Armengaudium Valenzuela as the pastor of the titular archiepiscopal church of Gangra, who had previously been the Bishop of S. Caroli Ancudiae (Chile).

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis - Official Commentary: To the Cathedral Church of Andria, the Reverend Father Dominic Eugene Tosi, formerly Bishop of Squillace. To the Cathedral Church of Chiavari, the Reverend Father Natale Serafino, formerly Bishop of Biella. To the Cathedral Church of Biella, the Reverend Father John Garigliano, formerly titular Bishop of Eucarpia and Apostolic Administrator of the Church of Aquila. To the Cathedral Churches of Clusinae and Pientina, the Reverend Father Joseph Conti, Apostolic Notary, acting as a participant, and General Vicar of the Church of Fesula. To the Cathedral Church of Tivoli, the Reverend Father

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Aloysius Scarano, Apostolic Notary, acting as a participant, and General Vicar of the Church of Trivento. To the Cathedral Church of Pesaro, the Reverend Father Bonaventure Porta, of the Diocese of Atri, Domestic Prelate of His Holiness, and General Vicar of Tiferno. To the Cathedral Church of Gubbio, the Reverend Father Charles Taccetti, parish priest of Saint Peter in Bossolo, Canon of the Metropolitan Church of Florence, and General Vicar of that Archdiocese. To the Cathedral Church of Boiano, the Reverend Father Albert Romita, Archpriest of the city of Modugno, of the Archdiocese of Bari. To the Cathedral Church of Monterrey in Angelorum, the Reverend Father Peter James Muldoon, formerly Bishop of Rockford. To the Cathedral Church of Vitoria, the Reverend Father Leopold Eijo y Garay, formerly Bishop of Tuy. To the Cathedral Church of Gráiianopoli, the Reverend Father Alexander Caillot, General Vicar of Moulins. To the Cathedral Church of Arras (-Boulogne-Saint-Omer), the Reverend Father Eugene Julien, Archpriest and parish priest of the Church of the Blessed Virgin Mary in the town commonly called Havre, of the Archdiocese of Rouen. To the Cathedral Church of Gent, the Reverend Father Aemilius Seghers, of that same Diocese, Canon Honorary of the Cathedral, parish priest of the Church of Saint John the Baptist, and Dean of Gand outside the walls. To the titular Episcopal Church of Lydda, the Reverend Father Bernard Ward, Domestic Prelate of His Holiness, Canon of the Metropolitan Church of Westminster, elected as Apostolic Administrator of the newly erected Diocese, formed from a portion of the civil county of "Essex," by the Archdiocese of Westminster.

[*Latin ed. p. 165*]

The acts of Pope Benedict XV, year 165, concerning titular episcopal sees: To the titular bishop of the church of Titopolis, the Reverend Father Peter Verdier, general vicar of Rodez, appointed as auxiliary bishop to the Most Reverend Bishop of Rodez. To the cathedral church of Trincomalee in the Orient, the Reverend Father Vedastus Robichez, of the Society of Jesus, titular bishop of the church of Paphus, and the Reverend Father George de la Boninière de Beaumont, of the Congregation of the Holy Spirit, elected as coadjutor bishop with right of succession to the Most Reverend Father Anthony Fabre, Bishop of Reunion, also known as Saint Dionysius. To the titular bishop of the church of Ammaeder, the Reverend Father Raphael Crimont, of the Society of Jesus, elected Apostolic Vicar of Alaska. To the titular bishop of the church of Caloens, the Reverend Father Didacus Carbajal, of the Order of the Hermits of Saint Augustine, elected Apostolic Vicar of Northern Hunan. Furthermore, the Most Blessed Father also publicly announced others who had previously resigned, through Apostolic Letters, whether sealed with lead or with the Fisherman's ring, namely:

ARCHBISHOPS: To the titular archbishop of the church of Heraclea, the Reverend Father Sebastian Nicotra, a member of the Sacred Congregation,

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apostolic protonotary, canon of Saint Mary across the Tiber, Apostolic Nuncio to the Republic of Chile. To the metropolitan church of Algiers, the Reverend Father Augustine Leynaud, parish priest of the place of Sousse in the archdiocese of Carthage. To the metropolitan church of Turrita, the Reverend Father Clet Cassani, already titular bishop of Thaciamontana. To the titular archbishop of the church of Ephesus, the Reverend Father Lawrence Lauri, Substitute Regent of the Apostolic Chancery, canon of Saints Lawrence and Damasus of Rome, Apostolic Internuncio to the Republic of Peru. To the titular archbishop of the church of Edessa, the Reverend Father John Marenco, already Bishop of Massa Lubrense, Apostolic Delegate to Central America.

BISHOPS: To the titular bishop of the church of Issus, the Reverend Father Abraham Aquilera, of the Congregation of the Salesians, Apostolic Vicar of Magellan in Patagonia, Chile.

[*Latin ed. p. 166*]

166 Acta Apostolicae Sedis – Official Commentary of the Cathedral Church of Chios, Reverend Nicolaum Chiariehiopoulo, a student of the College of Urban of the Congregation for the Propagation of the Faith, canon of the Cathedral Basilica of Constantinople. To the Episcopal Church of St. Rose of Ösos, recently erected, Reverend Father Maximilianum Crespo, transferred from the Antioquiensis Church. To the united Episcopal Churches of Antioquiensis and lericoënsis, Reverend Father Christophorum Toro, transferred from the Church of St. Marthae. To the Cathedral Church of Bosana, Reverend Father Angelicum Zanetti, Provincial Commissary of the Order of Friars Minor in Sardinia. To the titular Episcopal Church of Sidon, Reverend Father Iosephum D'Alessio, parish priest of the Cathedral Church of Naples, appointed as Auxiliary to the Most Reverend Cardinal Archbishop of Naples. To the titular Episcopal Church of Bauliensis, Reverend Father Aurelium Bacciarini, Superior General of the Servants of Charity, elected as Apostolic Administrator of the Church of Lugano. To the Cathedral Churches of Premisliensis, Sanochiensis, and Samboriensis of the Ruthenians, Reverend Father Iosaphat Iosephum Kocylowskyi, O. S. Basilii Magni, Doctor of Sacred Theology and Philosophy. To the Cathedral Church of Gonstantiniana, Reverend Father Franciscum Bassière, parish priest of the place of Sidibel-Abbès in the diocese of Oran. To the titular Episcopal Church of Hamatha, Reverend Father Placidum Angelum Rey Lemos, definitor general of the Order of Friars Minor, consulter of the Holy Congregation of the Consistory, elected as Apostolic Administrator of Giennensem. To the Cathedral Church of Zamboanga, Reverend Father Iacobum Me Closkey, of the diocese of Philadelphia, already a general vicar of Lares. To the Cathedral Church of Tuguegaraoana, Reverend Father Iacobum Sancho, episcopal secretary of the diocese of Cáceres. To the Cathedral Church

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of Sandhurst, Reverend Father Ioannem Me Charty, general vicar of the archdiocese of Melbourne. IV. – REQUEST AND GRANT OF THE SACRED PALLIUM. Then, the Most Blessed Father granted the Sacred Pallium to the metropolitan churches of Vercelli, Turritanae, Algiers, and Brisbane.

[*Latin ed. p. 167*]

Acta of Pope Benedict XV, 167, by PAPAL ACT CONCERNING THE ASSIGNMENT TO THE HOLY OFFICE OF THE CENSURE OF BOOKS AND THE APOSTOLIC PENITENTIARY'S GRANT OF INDULGENCES. BENEDICT XV. Having recently spoken in the Sacred College of Cardinals, We have decreed that the organization of the Roman Curia, a distinguished work of Our predecessor, the blessed and remembered Pope Pius X, should be completed in that part also which he had left unfinished, namely, by joining the Congregations of Indices and the Holy Office. For, having considered the nature of both Congregations, since the censure of books, which is the duty of one, is contained within the duty of safeguarding the doctrine of the faith and morals, which is the duty of the other, it clearly appears that it is necessary to form one Congregation from these, or to prevent the controversies that could easily arise between them. Now, therefore, carrying out this decree, by Our own authority We establish and decree the following: I. The Holy Congregation of Indices shall no longer exist. II. That which has hitherto been the proper duty of the Holy Congregation of Indices shall henceforth belong to the Holy Office, which shall undertake the censure of books and other writings. III. To the offices which are at the Holy Office, a special Section on the Index shall be added; and to this Section shall be assigned the officials who served the now-extinct Congregation. - The Holy Office shall define the order of this Section, and shall propose it to Us for approval. IV. But that the burden of the affairs of the Holy Office may not be excessively increased by this addition, let everything pertaining to Indulgences henceforth belong to the Apostolic Penitentiary: which, according to its institute, shall judge all matters concerning the use and granting of Indulgences, saving the right of the Holy Office to examine those matters which concern dogmatic doctrine regarding new prayers and devotions. V. The Section on Indulgences, which is at the Holy Office, together with its officials, shall be transferred to the Apostolic Penitentiary: which Section the Cardinal Penitentiary Major shall, after consulting with Us, arrange. These things We have decided and decreed, contrary to anything to the contrary, even those deserving of special mention, notwithstanding. Given at Rome, at St. Peter's, on the twenty-fifth day of March, 1917, in the year of Our Pontificate, the third. BENEDICT XV.

[*Latin ed. p. 168*]

168 Acta Apostolicae Sedis - Official Commentary. LETTER I TO THE

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NOBLE MAN, COUNT LOUIS D'HENDECOURT OF CENTIÀNE, PRESIDENT GENERAL OF THE SOCIETY, OFFERING CONGRATULATIONS AND ENCOURAGEMENT. Beloved Son, noble man, health and the apostolic blessing. — From the letters which you and your fellow members have sent to Us, in the customary manner, wishing Us a prosperous new year, We understood that, as We had suspected, the Vincentian Society has not made much progress in Europe during these two years, due to the immense war. But We also learned, and this We did not expect, that it has progressed so much in countries not affected by the war, especially in Upper America, that it is now increasing annually by amounts greater than it was accustomed to before the war. Therefore, the course of your affairs brings Us more joy than sorrow; especially when We see that the losses which the Society has suffered in the midst of the war are being wonderfully compensated by the zeal of its members. And We are greatly pleased to hear about your French and Belgian members, who, although held captive by the enemy, have brought many more to the Vincentian Society, and who have held numerous gatherings, or conferences, as you call them, both to help each other to live a righteous and holy life, and to provide common assistance to their fellow soldiers in need. No less worthy of praise is the industry and diligence of those who, as experts in military affairs, wonderfully increase the merits of the Vincentian institution by assisting, at home, in so many of the needs and miseries caused by the war. Therefore, you yourselves, out of a sense of human weakness, may consider yourselves to be useless servants, because you could not prevent this great calamity from afflicting your flourishing Society in some way. But, considering your manner of acting, We can call you good and faithful servants, and We can also congratulate you on the fact that, even in these difficult times, you have, with God's help, achieved not insignificant results. Therefore, let not your spirit be discouraged by difficulties, but persevere with even greater zeal: for now, a vast field lies open for Christian charity, and it seems that it will be even wider when, with the laying down of arms, all will be engaged in healing the wounds of war. And with regard to your request that those members whom you mentioned, who have been recruited by their fellow soldiers, may enjoy the legitimate benefits of the pontifical indulgences, as do others, We gladly grant this. And We...

[*Latin ed. p. 169*]

Acta of Pope Benedict XV, 169, concerning divine works, and as a witness to Our own special benevolence, We impart the apostolic blessing to you, beloved Son, and to all your companions, with the greatest affection. Given in Rome, near the blessed Peter, on the 9th day of February, 1917, in the third year of Our pontificate. BENEDICT XV.

TO PETER CARDINAL LA FONTAINE, PATRIARCH OF VENICE, AND TO THE VENERABLE BROTHERS BISHOPS OF THE VENETO

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REGION, IN RESPONSE TO LETTERS SENT TO US ON THE OCCASION OF THEIR ANNUAL MEETING, WE GRACEFULLY ADDRESS THE FOLLOWING:

Beloved Son and Venerable Brothers, health and the apostolic blessing.

You rightly and truthfully call the Church a "legislator of charity" in your common letter. And this holy city cannot be anything other than what you judge it to be. For it is nourished and fostered by Him who is Charity, and who gave Himself for the redemption of mankind; therefore, it is necessary that it live from charity, and that it breathe charity, not only from laws and institutions, but from its entire teaching and manner of acting. But, as you know, this is the nature and character of the charity that the Church teaches and commands, namely, that it almost takes away the foundation from itself who does not consider the divine image in each and every person, and the divine work. From this, it happens that from the immense multitude of people, one family coalesces, which has God as its Father, and whose members are bound together by the same love of brotherhood, even when they differ from each other.

But alas! The seeds of the errors which you deplore in your writing, as was fitting and almost necessary, have brought about, as they turned away from God, a rich harvest of hatreds among them, so that nation rises against nation, and kingdom against kingdom. May all assess the great calamities of this war in such a way that they may see that the same remedies are available to the human race to recover from this evil from which it has suffered for so long. May God, rich in mercy, be with Our wishes and prayers, and may He grant you, beloved Son and Venerable Brothers, who are so many and so troubled by the same cause, suitable consolations from the apostolic.

[*Latin ed. p. 170*]

170 *Acta Apostolicae Sedis* Commentarium Officiale: With the blessings of Heaven, and as a token of Our paternal benevolence, We impart to you all, to the clergy and the people, whose well-being is the object of Our concern, and whose thoughts are constantly directed towards the Lord. Given at Rome, near the blessed Apostle Peter, on the fourteenth day of February, in the year 1917, in the third year of Our pontificate. BENEDICT XV. TO THE MOST REVEREND PAUL ALBERA, SUPREME MAGISTER OF THE SALESIAN SOCIETY: PRAISING THE ACTS OF THE SEVENTH CONVENE OF THE "COOPERATORS" OF SÃ£o Paulo, AND IMPLORING THE BEST BLESSINGS FOR THE SALESIAN SOCIETY. Beloved Son, greetings and the apostolic blessing. — We have received with great pleasure your recent letters, which express your devotion and that of your people towards Us and this Apostolic See, and which are accompanied by the acts of the seventh convocation of the Salesian Cooperators of SÃ£o Paulo, in the renowned city of the Brazilian Republic, which was held not long

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ago. Having read these acts, We seem to behold before Us the very life, so industrious and active, of your entire society. This society, having originated from humble beginnings, has, with God's help, grown so rapidly in the number of its members, that it has established branches even in both Americas, happily encompassing the entire world with its activities, both old and new. And here, in this vast expanse of activity, it is truly remarkable how much benefit the Catholic Church has derived from the constancy of your labors and the splendor of your virtues. Your praise lies in having understood the needs of these times, and in having understood with what weapons, given the nature of these times, one must best fight. For just as the enemies of religion, and indeed of humanity, are gathering together and conspiring with the worst of alliances to destroy the Church, if possible, so you have deemed it absolutely necessary to hold frequent gatherings of all the Cooperators, to share ideas, to unite forces, and to oppose arms with arms. And this has been done so that, strengthened by divine grace, you may gather abundant fruits. We see that, as in the past, so also in this seventh Brazilian convocation, matters of the greatest importance were discussed. For what could be more opportune, what could be more useful, than to decide on how best to assist the youth daily, and to strengthen them with new safeguards, or to promote the sacred order of the priesthood?

[*Latin ed. p. 171*]

The acts of Pope Benedict XV mention the establishment of institutions for the education of youth, or the promotion of sacred missions to the barbarians, or the preparation of a greater and more extensive supply of books that explain the truth, dispel falsehoods, and excite love of religion, or the protection of those who emigrate from their homeland, lest, surrounded by enemies of the Catholic Church, they suffer any detriment in their faith? What, concerning these and other matters discussed in that assembly, do we consider most appropriate for these times in which we live? Therefore, beloved Son, we heartily congratulate you and your collaborators, and the entire society under your leadership, on the successful outcome of this seventh congress. For we, as did our predecessors, embrace with benevolence the institutions founded by the Venerable John Bosco, which, as devoted to the Vicar of Jesus Christ, we greatly desire to see flourish daily, and to see the number of students and collaborators increase, so that, with the help of Mary, Auxiliatrix, they may be able to serve the needs of the times with ever greater fruitfulness. As a pledge of divine blessings and a testament to our particular benevolence, we impart to you, beloved Son, and to all those entrusted to your care, our most loving apostolic blessing. Given in Rome, at St. Peter's, on the first day of March, 1917, in the third year of our pontificate. BENEDICT XV. TO THE REVEREND FATHER JOSEPH HISS, PRIEST, GENERAL SUPERIOR OF THE SOCIETY OF MARY, AS THE CENTENNIAL OF THE FOUNDATION OF

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THE SOCIETY APPROACHES. Beloved Son, greetings and our apostolic blessing. — As the centennial year draws to a close, it is fitting that you and all who truly love France should rejoice, considering the growth that your institution, under your leadership, has achieved since its beginnings. Moreover, it is not only fitting, but necessary, to observe how, during this period, the Christian faith, especially in this land, has been revived by the providence of God, and what great and singular role the eminent man who founded your society has played in this revival. — After those three centuries, following its origin, in which the blood of Christians flowed abundantly throughout the world, it cannot be said that the Church has ever been in such great danger, inasmuch as...

[*Latin ed. p. 172*]

The Acts of the Apostolic See began to appear at the end of the eighteenth century. Indeed, the works of a misguided philosophy, stemming from the heresy of the Novatians and the corruption of morals, erupted in the minds of the common people, leading to a complete upheaval of affairs, to such an extent that not only in France, but gradually throughout all nations, the foundations of Christian society were undermined. For, with the public authority of the Church rejected, and with the desire to have Religion regarded not as the guardian and enforcer of law, office, and order in the state, but rather as something arising from the people, not from God; with men being considered equal to one another, both by nature and by law; with everything that anyone wished being permitted, unless prohibited by law; and with nothing having the force of law unless commanded by the majority; and with the freedoms of thinking and expressing opinions about religion being subject to no limits, as long as it did not harm anyone. These are, in essence, the principles upon which the governance of states has rested from that time onward. And it has never been more clearly demonstrated how destructive these principles can be to human society, when blinded by selfish desires and the interests of factions, they incite the populace. This became evident when the people seized power, fueled by envy and resentment towards other orders. It began to be considered essential for everyone to live and even think differently, and the most heinous individuals were praised; nothing was considered too sacred or too august to be violated in the name of freedom and justice; and the entire nation of Christian France was plunged into bloodshed and ruin, especially since, through extreme recklessness and madness, the worship of the Supreme Being was abolished, and Reason was worshipped as a god, with the most impure ceremonies.

However, this upheaval, which was so violent and extreme, did not last long, and could not have lasted. Therefore, in the reorganization of civil affairs, according to new laws, it soon became necessary to restore the divine worship, without which no society can ever stand. But in order that

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the restoration of public order might be more stable and secure, it was necessary to penetrate deeper, as it were, into the very heart of the people, and to re-establish Christian institutions everywhere; and since it was no longer possible for the ancient form of public government to revive, it was necessary to work to gradually instill a Christian spirit into the new constitution of the state. And here, one can marvel at the merciful providence of God, who, when France had fallen so low that it seemed to have forgotten its former glory, and had rejected the heritage of Christian wisdom, along with its own ruin and the terrible example of others, raised up sons from within the very womb of France, men of outstanding intellect and virtue, who were determined to heal the wounds of their motherland, whether those wounds were self-inflicted or imposed upon her.

Among these, and indeed not least, is your father and legislator, William Joseph Chaminade. Even in the midst of those tumultuous times, when the clergy who constituted the civil order were...

[*Latin ed. p. 173*]

Acta Benedicti PP. XV 173. Having rejected the propositions, the most extreme measures were prepared, and whatever religious rites were performed were observed with great scrutiny; but here shone forth constancy in the fulfillment of duty, zeal for the glory of God, and love for souls. How often, for the salvation of his brethren, he faced the danger of death, concealed in various disguises, traversing the streets of the city of Bordeaux, in order to secretly administer to the dying, or to instruct those ignorant of the precepts of the faith, or to encourage those wavering in their duty. It is incredible how, pursued by death, he always evaded his pursuers, often deceiving them through skillful dissimulation; for he lived for God, and was guided only by His Spirit. Therefore, while flourishing in the esteem of the good, he had grown hateful among the wicked, he enjoyed a period of tranquility, reaping the joyful fruit of so much labor, reconciling to the Church several colleagues who had faltered through weakness; but when the republic was again disturbed, he was compelled, not without the will of God, to go into exile in Augsburg. There, beholding the magnificent temple of Our Lady, he understood the divine plan of mercy to restore his homeland to Jesus through Mary; and he undoubtedly felt that a particular part of this apostolate was destined for him, and there, at the feet of the august image, he meditated and prayed, diligently preparing himself for this great task. For Mary is not adorned in vain with the title of Queen of the Apostles; but as she was present with the Apostles, the educators of the nascent Church, with maternal care and encouragement, so she is to be present eternally to all heirs of the apostolic mission, who strive to prepare benefits or to repair damages for the Church already grown. When the time for action arrived, he was seen to embrace, with remarkable prudence and equal zeal, all that was necessary for the healing of the times. At the

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beginning, having observed that the common notions of things that were above the order of nature had been erased by the recent storm, he did not, as others are accustomed to do, decide to serve the spirit of the times, but rather, preaching a certain empty religiosity, ostensibly Christian, he saw that it was necessary to awaken all to the true path to perfection, which comes from heaven, in which lies the strength and reason of Christian wisdom. For all are subject to the words of Jesus the Lord: "Be you therefore perfect, as also your heavenly Father is perfect." Moreover, since he recognized the great importance of religious life in correcting the common morals, either by example, or by works, or even by the suffrage of prayers, and since he saw that such a profession, as had been handed down by the ancients, was forbidden by the laws, a diligent and experienced man devised a kind of association, in which those who participated, while observing the highest counsels of the Gospel by living together in common, would also lead others to Christ, to worship and follow Him.

[*Latin ed. p. 174*]

174 Acta Apostolicae Sedis - Official Commentary. For, his ardent charity was not sufficient to ensure that some remained untouched by the mire of vices, nor to lead them to the integrity of life; but his constant aim was to draw back to the bosom of Christ the Lord those multitudes who had strayed far from Him. And for this reason, as many as he had cultivated in Christian virtues, so many he diligently prepared for the apostolate. Thus was born the Congregation, which is called Burdigalensis, which, through the variety of its works, renewed Christian morals not only in that region, but also in many other provinces. From this Congregation, as from a certain nursery of a reviving Catholic France, arose, under the patronage and auspices of Mary, your Society, so that the seeds of religious discipline, appropriate to the times, might mature within its bosom. This Society, founded by William Joseph, is eminently worthy of praise if one considers its own constitution and nature. For, having carefully considered how the old order of the state had fallen, how hateful everything that recalled it was to the common people, and how suspicious the world was of clerics in particular, so that such a feeling might not weaken all the efforts of the Society, he united it in such a way that it should not consist only of clerics, but also of laymen, and of those chosen from every part of the state, so that, with due respect for the dignity of the sacred order, the laity, just like the clerics, should be members of the religious community. And, with God's help, the result was most fortunate. For, being constituted in such a way that, while internally the members were bound together by the bonds of fraternal charity, externally each member's work was extended to all citizens without causing offense, it began to benefit the people greatly in restoring Christian sentiments and morals everywhere, in many ways, but especially through the education of youth. There intervened a most excellent and patient man,

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burdened by domestic sorrows, who, by illustrating the solid virtues of your founder, ennobled every institution of his with a divine mark. Indeed, especially after his death, this Society of Mary has grown and spread so far and wide to this day that you can easily recognize the benefit of divine providence. We, considering these things which are so pleasing to us, with a grateful heart to God, earnestly beseech Him that all the works of William Joseph Chaminade, undertaken for the utmost benefit of the holy Church, may continue, as they have done so far, to be fostered and promoted by His grace. And for this reason, may this secular commemoration of your origins be for you a new encouragement to merit well from the Church.

[*Latin ed. p. 175*]

The Acts of Pope Benedict XV, 175, state that we desire to bestow the gifts of a pontifical indulgence upon you, so that you may experience the more abundant grace of divine kindness. Therefore, we decree that those who visit the churches or chapels of the Society of Mary, where a supplication is offered during a triduum or another solemn religious celebration in commemoration of a blessed event, may, under certain conditions, obtain a plenary remission of their sins. We grant the same to the religious institutes which your most pious and devoted founder established: namely, the Daughters of Mary Immaculate of Agen and Aux, and the Sisters of Mercy of Burdigala; and finally, to all those who are associated with these various religious families. As a pledge of heavenly blessings and a witness to the paternal benevolence of Ourself, we impart to you, beloved son, and to all those we have just mentioned, Our apostolic blessing with all Our heart. Given at Rome, near the blessed Peter, on the 7th of March, 1917, in the third year of Our pontificate. BENEDICT XV. TO THE MOST REVEREND ALBERT DIEN, BISHOP OF URBAN, DIRECTOR OF THE APOSTOLIC WORK FOR PROCURING SACRED VESSELS FOR FOREIGN MISSIONS; PRAISING THE ZEAL AND PIETY OF THE ASSOCIATION. Beloved son, greetings and Our apostolic blessing. It is rare that We, in considering the work of spreading the Faith and the few workers of that work, do not also find Ourself moved to encourage various institutions which use them to obtain the necessary support. There is a Society to which you diligently preside, and We, seeing the brilliance of this apostolic work, could not do other than congratulate you and your members, and to urge all to cultivate piety, zeal, and, if possible, constancy, which cannot be absent from true virtue, and to sharpen diligence so that it may measure up to the ever-increasing needs of sacred missions. Perhaps some may think that the times in which we live are less suited to these exhortations. But does anyone believe that, for the sake of some circumstance, it is permissible to abandon good works that are dedicated to the glory of God and the salvation of our

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neighbors?

[*Latin ed. p. 176*]

176 Acta Apostolicae Sedis - Commentarium Officiale: Are the affairs of the community difficult? Indeed, rather than avoiding these difficulties, might they not be used in such a way that they themselves contribute to the good? Therefore, We urge you and your colleagues to neglect nothing of those things which can commend your association and its purpose. You are not lacking in opportunities to obtain benefits from this very purpose. For what do your concerns amount to, if not to providing assistance to the Work for the Propagation of the Faith, and for the eternal salvation of those who still sit in darkness and are aided by it, just as you contribute to the splendor of the house of God and the sacred rites of the Church? Truly, your charity does not seek what is its own, but what is due to Jesus Christ, who has loved us so much that He gave Himself for us as an offering and a sacrifice, and who rightly and deservedly desires to be repaid by us, not only in word and speech, but also in deed and truth. As a witness to the divine gifts and of Our benevolence, may the apostolic blessing be imparted to you, beloved Son, and to all your colleagues, earnestly in the Lord. Given in Rome, at St. Peter's, on the eleventh day of March, 1917, in the third year of Our Pontificate. BENEDICT XV.

To the Most Reverend John Francis Noll, Priest, of the Church of the Holy Mary, Huntington-II, commending the Catholic weekly "The Sunday Visitor."

Beloved Son, greetings and the apostolic blessing. — Two things, above all others, in the Catholic weekly "The Sunday Visitor," which you have directed for many years, commend it to Us: the purpose you have undertaken of spreading and illustrating the Catholic doctrine, so that both Catholics and non-Catholics may be drawn closer to it, and the excellent judgment that you received about this weekly from Our predecessor, the late Pope Pius X, and also from other men of authority and of great importance. One testifies to you as a good dispenser of the mysteries of God; the other testifies that in pursuing this holy purpose, you are keeping the right path and are working diligently and fruitfully. Therefore, may Our praise be followed by commendation? And may We also encourage you to continue, and to grant you an apostolic command...

[*Latin ed. p. 177*]

I, the Acts of Pope Benedict XV, 177, impart blessings, and we commend your zeal and that of your helpers, and we beseech the divine grace to assist you. Given in Rome, at St. Peter's, on the eleventh day of March, 1917, in the third year of Our Pontificate. BENEDICT XV.

To the Most Reverend Father Augustine, Bishop in title of Coutances, Abbot General of the Reformed Cistercians, as the world draws to its close

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since the founding of the Westmalle monastery.

Venerable Brother, greetings and the apostolic blessing.

Our charity, and also the virtue of you and your companions, cause us to rejoice, as the world hastens towards its end since the Westmalle monastery was founded, that we too are pleased with the events that pertain to you, so much so that we seem to see you rejoicing with great fervor. And this is not surprising. For we have seen the Order of Cistercians spread widely, both among the Belgians and among the Bavarians; and it has been discovered that, with so many virtues and such companionship, the Catholic name is not only honored by them, but is strengthened and advanced. We believe that this is due to the Westmalle family having become so renowned for its sanctity, that it wonderfully aids its own members and attracts others to religious perfection.

Therefore, we consider it fitting to congratulate you and the other Cistercian companions, both from Belgium and from Bavaria, who remember and honor this monastery so much that they pay honor to it as if it were their mother, and we encourage you to strive for that which has brought you these honors, namely, the habit of prayer and penance, which is the foundation and the essence of your discipline, and as you know, it is primarily concerned with freeing the mind from all disturbance, so that it may be more devoted to the love of God, and may inspire others to do the same, day by day.

In the meantime, may the divine blessings and the witness of Our benevolence be with you, which we impart to you, Venerable Brother, and your religious companions, earnestly in the Lord.

Given in Rome, at St. Peter's, on the twelfth day of March, 1917, in the third year of Our Pontificate.

BENEDICT XV.

ACTS, vol. IX, n. 4. — 26-3-917. 12

[*Latin ed. p. 178*]

178 Acta Apostolicae Sedis - Official Commentary
ACTA of the HOLY CONGREGATIONS

SUPREME HOLY CONGREGATION OF THE HOLY OFFICE

I, concerning the SACRAMENT of EXTREME UNCTION in cases of necessity.

In the plenary session of the Supreme Holy Congregation of the Holy Office, held on Thursday, January 31, 1917, the following question was proposed: "Whether the SACRAMENT of EXTREME UNCTION, administered in a case of necessity, with a single unction on the forehead, using

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the words: 'May the Lord forgive you whatever you have done through this holy unction. Amen,' when the danger has passed, must, in accordance with the Decree of January 31, 1907, be supplemented, or not?"

The Most Eminent and Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, after mature deliberation, and with the vote of the Most Reverend Consultors preceding, decreed: Negatively to the first part; Affirmatively to the second.

And on the following Friday, February 1st of the same year, the Most Holy Lord Pope Benedict, by divine providence, Pope XV, in his customary audience granted to the Reverend Father Assessor of the same Supreme Holy Congregation, approved and confirmed the resolution of the Fathers.

Despite any objections.

Given in Rome, from the Offices of the Holy Office, on March 9, 1917.

Aloisius Castellano,

Notary of the Holy Roman Church and the United States.

[*Latin ed. p. 179*]

The Most Holy Congregation of the Holy Office, Section on Indulgences, DECREE concerning the "as often as" Indulgence in commemoration of all the faithful departed. To this Most Holy Congregation of the Holy Roman Church and Universal Inquisition, a doubt was presented by the Most Reverend Father Dominic Fallize, titular Bishop of Elusa, Apostolic Vicar of Norway: "Whether the decree of the Most Holy Congregation of the Holy Office, dated July 25, 1914, concerning the plenary Indulgence, granted "as often as" each year on November 2nd, for the benefit of souls "in Purgatory," should be understood in such a way that the same Indulgence is "permanently attached" to the designated day, or whether it is attached to the Commemoration of all the faithful departed, which, according to the rubrics, may also be celebrated on another day?" The Most Eminent Lords, Cardinals Inquisitors General, in their customary meetings, held on Thursday, December 13, 1916, responded: "Negative to the first part; Affirmative to the second." This resolution was benignly approved by the Most Holy Lord Pope Benedict, by divine providence, XV, in an audience granted to the Most Reverend General Commissary of the Holy Office, on Friday, December 14, of the same month and year, and it was ordered to be made public. Contrary opinions notwithstanding. R. CARD. MERRY DEL VAL, Secretary. L.*S. Father Dominic Pasqualigo, O.P., General Commissary of the Holy Office.

SACRED CONSISTORIAL CONGREGATION OF SUBLACEN. In the preceding volume, page 119, line 4, after the word "Negative," the words

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"to the first part, affirmative to the second" should be added.

[*Latin ed. p. 180*]

180 SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. NAME: Briefly designated by an apostolic decree: February 14, 1917. — The Bishop of Sandhurst in Australia, Reverend John Me Charty, Vicar General of the Archdiocese of Melbourne.

SACRED CONGREGATION FOR THE RITES OF ANTWERP, OR MECHLIN. DECREE CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, SISTER ANNA OF SAINT BARTHOLOMEW, A NUN PROFESSED OF THE ORDER OF DISCALCED CARMELITES.

ON THE QUESTION: Whether, with the approval of virtues and two miracles, it is possible to proceed to the solemn beatification of the aforementioned Venerable Servant of God?

Since the death of the precious Servant of God, Sister Anna of Saint Bartholomew, which occurred in Antwerp in the year one thousand six hundred and twenty-six, on the seventh day of June, scarcely one or two years had passed, and the cause of this Handmaid of God had already begun before the Apostolic See, as was the custom of that time. Indeed, from the Most Blessed Pope Urban VIII, whom they call, the Signatura Commission, the requested Remissorial Letters were obtained, to expedite the process concerning her reputation, in accordance with the apostolic authority; and with this accomplished, and the matter brought to Rome, the question arose, which, with a favorable response, proceeded.

[*Latin ed. p. 181*]

The Holy Congregation of Rites, number 181, was subordinate to the Apostolic Inquiry concerning virtues and miracles in a particular case, when it became necessary for the cause to proceed. For indeed, a certain and very important change had occurred in the discipline which had been observed until then; and therefore it was necessary to order its execution. Although, since the time of Pope Alexander III, all power had been taken away from Bishops and other local Ordinaries concerning the public cult offered to deceased persons in the name of the Church; and although this very process, even among the major causes, was included, and remained reserved by private right to a Roman Pontiff, nevertheless, in order that it might be properly and clearly recognized what constituted the reason for the public and ecclesiastical cult, and what distinction existed between the public and the private cult, much time, effort, and labor were expended, until in the year one thousand six hundred and thirty-four, the Pope Urban VIII, confirming his previously issued decrees, finally found and described the method by which the new law would be carried out. Following in the footsteps of his predecessors, especially Alexander III

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and Innocent III, he again established and decreed more strongly that the public and ecclesiastical cult could not be conferred upon the Servants of God who had not yet been beatified or canonized; at the same time, however, as was fitting and most equitable, he carefully provided, with due deliberation, that if there were any Servants of God whom the faithful had been accustomed to honor publicly for one hundred years, or for other just reasons, that these same Servants of God should not be deprived of this honor; and in order that a legal method might be provided to prove this particular condition of theirs, he introduced certain cases, which, for this reason, are deservedly called "exceptional cases." Since there are two orders of causes for the Servants of God established: namely, those which proceed through the extraordinary way, or through the way of cult, and those which proceed through the ordinary way, or through the way of non-cult, the latter order of causes was subjected to a unique provision: that they should scarcely be presented to the Holy See, and that the Holy See, as they say, should not proceed further with them, unless it had first been established that no honor had been rendered, and that public and ecclesiastical cult had been legitimately conferred upon the Servants of God in question; and this was to be observed not only in causes that were to be introduced later, but also in those that had already been begun under Urban VIII. With all of this in mind, it is clear how it happened that the Servants of God, the sisters of Anne, by Saint Bartholomew, although...

[*Latin ed. p. 182*]

182. Acts of the Apostolic See – An official commentary. The Holy See began to be stirred, but, above all, because of the reasons that had arisen in the meantime, the new law constitution was not enacted until after a full and more than a century, that is, in the year one thousand seven hundred and thirty-fifth, by Pope Clement XII, when the heroic virtues of this venerable Handmaid of God were declared and recognized. These virtues having been proven, almost a century followed in silence; but this was interrupted by the oracle of our Most Holy Lord Pope Benedict XV; for the two miracles that were already available, and for which the most suitable time had been awaited, it was fitting to be declared to be truly and properly miraculous. He himself, the Most Blessed Father, recently sanctioned this with His apostolic authority by decree. Thus, what they had first proposed to the suppliant Urban VIII, Pope, almost three centuries ago, they are now rejoicing to have achieved successfully and happily; since, with all that was necessary having been completed correctly and properly, nothing can prevent the venerable Handmaid of God, Sister Anne of St. Bartholomew, from being rightfully and safely granted the honors of the blessed. Therefore, in the general meetings of this Holy Congregation, which were held on the thirteenth day of this month of March, before our Most Holy Lord, the proposal was presented by the Most Reverend Cardinal Anthony Vico,

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the Relator of the cause, with the question: Whether, with the approval of the virtues and two miracles, it is safe to proceed to the solemn beatification of the venerable Handmaid of God, Sister Anne of St. Bartholomew? All those present, both the Most Reverend Cardinals and the Consultors, unanimously responded that it is safe to proceed. The Most Blessed Father, however, although He has not overlooked the solemn day to be awaited in the near future, when it will be permissible to attribute the name and cult of the blessed to this most faithful Saint Theresa, and for that reason, He greatly desires to add a new intercessor to God, so highly honored in title, to Himself and to the Christian people; nevertheless, imploring more abundantly the wisdom and light of God, He deemed it prudent to postpone the declaratory sentence to Himself for the time being. Today, on this Sunday of Passion, during the most devout Eucharistic Sacrifice, the Most Reverend Cardinal Anthony Vico, Bishop of Porto and St. Rufina, Pro-Prefect of the Congregation for Sacred Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, together with the undersigned Secretary, were summoned to the Vatican Palace, and in their presence, He solemnly declared: It is safe to proceed to the solemn beatification of the venerable Handmaid of God, Sister Anne of St. Bartholomew.

[*Latin ed. p. 183*]

The Holy Congregation of Rites, in the year 1833, decreed that this document should be published for the public, inserted into the records of the Sacred Congregation of Rites, and that apostolic letters, in the form of a brief concerning the solemnities of beatification, should be issued, to be read, when it is first possible, in the Basilica of the Vatican, on the eighth day before the Kalends of April, in the year 1917.

[Signed:] A. CARD. Vico, Bishop of Portuense and of Saint Rufina, and Most Reverend Prefect. L. S. Alexander Verde, Secretary.

II. ROMAN DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, JOSEPH MARY PIGNATELLI, PRIEST, MEMBER OF THE SOCIETY OF JESUS.

CONCERNING THE QUESTION: Whether it is established that the theological virtues of faith, hope, and charity in God and in neighbor, and also the cardinal virtues of prudence, justice, fortitude, and temperance, together with their associated virtues, were present in a heroic degree, in every circumstance, and in their effects, in the case of the person in question.

To resolve this question concerning the heroic virtues of the Venerable Servant of God, Joseph Mary Pignatelli, a number of witnesses were heard and examined, and a large volume of judicial records was compiled, so that the true and proper character of the Venerable Servant of God might be brought to light, and so that, after he had been presented with all his

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virtues, he might be suitably and graphically presented before the eyes of all. Thus, everyone who has seen this Servant of God has been delighted to contemplate and admire him; and it has been possible to marvel at and to be astonished by the Christian virtues that he practiced and developed, especially when considering the particular circumstances of time, place, and persons, which contributed to the fortunate life and the benefits that were granted to this Servant of God. Such circumstances, in fact, were greatly adverse,

[*Latin ed. p. 184*]

184 Acta Apostolicae Sedis - The official commentary testifies that the venerable Servant of God, born in Asperen, experienced the hardships of that age. Nevertheless, endowed as he was with a remarkable character, which constantly spurred him to strive for perfection, he never yielded to adversity or storms. On the contrary, with the help of divine grace, he used all these obstacles and difficulties, as if they were opportunities offered to him, and he profited from them so abundantly and prudently that he progressed day by day in the path of virtue, until the day of his death, which, full of merits and adorned with virtues, found him ready and prepared in this blessed City, on the fifteenth day of November of the year one thousand eight hundred and thirty-one. Indeed, for the preparatory Congregation, which, with the permission of the Most Holy Lord Pope XV, was held last July, the proposals had already been established, and the norms were prescribed by which those involved in the defense of this noble cause should be guided and governed. These, as they were warned, were entirely devoted to seeking out, with diligence and care, what was the sole head of the entire matter, and then, with admirable and abundant arguments, they firmly presented a complete and abundant demonstration, by which a prudent man would almost certainly be compelled to agree, banishing any doubt from his mind. This was particularly evident in the general Congregation, which, on the thirteenth day of this month of March, was convened before the Most Holy Lord Pope. In which, when the proposal was made by the Most Reverend Cardinal Anthony Vico, the Relator of the cause, to discuss the following question: Whether the theological virtues of faith, hope, and charity in God and in neighbor, and also the cardinal virtues of prudence, justice, fortitude, and temperance, and those things connected with them, were present in the venerable Servant of God, Joseph Mary Pignatelli, in heroic degree, in the case and with respect to the matter under consideration? both the Most Reverend Cardinals and the Consultors openly expressed their opinions. After acknowledging and accepting the votes of all, the Blessed Father dismissed the assembly with these auspicious words: "We are greatly pleased that so much effort and study have been devoted to illustrating the virtues and actions of this most excellent man, with whom so many citizens, so many institutions, and so

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many nations are closely connected. Indeed, first of all, the noble family from which he descended; then the common people, among whom he undertook the task of education; the Society of Jesus, to whose benefit he never ceased to look forward, both in times of joy and sorrow; and the entire Church of Christ, to which he served as a diligent minister: the Spanish..."

[*Latin ed. p. 185*]

§. Congregation of Rites, 185: "Also, the people among whom he was born and honestly educated, and also the Italians, whose lands he traversed, illuminating their souls with the sanctity and splendor of his life; and Rome, above all, in which his apostolate flowed most abundantly, and where he found his most blessed rest. Indeed, the Venerable Joseph Mary Pignatelli led a life filled with constant activity; yet, it always appeared that he was guided everywhere and at all times by the study of divine glory and the salvation of souls. We do not believe it to be deceptive to think that it was divinely ordained that this illustrious Servant of God should be placed before us in this our age, so that clerics, priests, and religious brethren, torn away from the harmonious and orderly life of the seminary, the presbytery, and the monastery, in such great numbers, and that many from every order are tossed about by the upheavals of public affairs: so that, by the example of the Venerable one, whose life, even far from the confines of sacred life and in the very dangers of the world, was illuminated by the light of all virtues, all may always and everywhere learn to safeguard that integrity of morals which is prescribed to each by his own vocation, even if it lacks the support of daily family life, the seminary, or the cloister."

Because the matter was of the greatest importance, the same Most Holy Lord decided to postpone his final judgment on the matter, and he urged all those present to earnestly implore the most merciful God, so that He might be propitious and attentive to their prayers, both for their own intentions and for the needs of the Church and the people.

On this day, the Sunday of the Passion, the Blessed Father, having diligently performed sacred duties, ordered the Most Reverend Cardinal Anthony Vico, Bishop of Porto and S. Rufina, Pro-Prefect of the Congregation of Sacred Rites and Relator of the cause, together with the Reverend Father Angelo Mariani, Promoter of the Faith, and myself, as Secretary, to be summoned to the Vatican Basilica, where he solemnly pronounced: "It is established that the theological virtues of faith, hope, and charity in God and in one's neighbor, as well as the cardinal virtues of prudence, justice, fortitude, and temperance, and those virtues which are attached to them, were practiced by the Venerable Servant of God, Joseph Mary Pignatelli, in a heroic degree, in every circumstance and with effect, in the matter under consideration."

He ordered that this decree be made public and recorded in the acts of

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the Congregation of Sacred Rites on the eighth day before the Kalends of April, in the year 1917.

*A. CARD. VICO, Bishop of Porto and S. Rufina, S. B. C. Pro-Prefect.

L.*S. Alexander Verde, Secretary.

[*Latin ed. p. 186*]

186 Acta Apostolicae Sedis - Official Commentary III OF THE CITY AND THE WORLD CONCERNING THE COMMEMORATION OF ALL THE FAITHFUL DECEASED, so that all of the clergy and the faithful people may ardently participate in the commemoration of all the faithful deceased, and that united prayers may be more beneficial to the souls resting in Christ; also, so that the sacred Liturgy, in the Eucharistic Sacrifice and in the performance of the Divine Office, may be carried out with a uniform and solemn rite throughout the entire Church, the Most Holy Pope Benedict XV, after consultation with the Sacred Congregation of Rites, with His supreme authority, has decreed: "The Solemn Commemoration of all the faithful deceased, which, according to the Apostolic Constitution *Incruentum Altaris*, published on August 10, 1915, is to be augmented with the privilege of three Masses for the Dead, shall be considered equivalent to a feast of the first class of the double rite and of the Universal Church, so that all and each proper feasts of places, churches, orders, or congregations, and other particular institutions, shall be excluded, except for Sunday, which occurs on November 2nd; in which case, the same Commemoration, with its privileges, shall be transferred to the immediately following day, according to custom. Furthermore, His Holiness has decreed that all calendars and proper calendars, without exception, must conform to this Decree. Contrary provisions, whatever they may be, are of no force, even those deserving of special mention. February 28, 1917." Signed: A. CARD. VICO, Bishop of Portuense and Santa Rufina, Sacred Roman College, Pro-Prefect. L. S. Alexander Verde, Secretary. IV QUESTIONS CONCERNING THE MISSES IN THE COMMEMORATION OF ALL THE FAITHFUL DECEASED. The Sacred Congregation of Rites, for the purpose of proper clarification, has requested: Whether, according to the Apostolic Constitution of August 10, 1915, concerning the commemoration of all the faithful deceased, which grants the privilege of three Masses for the Dead...

[*Latin ed. p. 187*]

The Sacred Congregation of Rites, having considered the following, has permitted: I. That a priest may celebrate only one or two Masses, and II. In both cases, which of the Masses described in the decree of the Sacred Congregation of Rites for the City and the World, of August 11, 1915, should be recited, and finally III. for whom should those Masses be offered? And the Sacred Congregation of Rites, with the support of a specially appointed commission, having considered all matters, decided to respond as follows:

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To I. Affirmative in both cases. To II. The first Mass mentioned above should always be recited; the second will be the second. To III. In both cases, one Mass should be offered for the intention of the celebrant; however, in the second case, the other of the two Masses should be offered for all the faithful departed. And thus it responded and declared, by mandate of the Most Holy, on February 28, 1917.

[Signed:] A. CARD. VICO, Bishop of Portuense and Santa Rufina, Sacred Roman Congregation, Pro-Prefect. L. © S. Alexander Verde, Secretary.

V. QUESTIONS REGARDING THE OCCURRENCE AND TRANSFER OF CERTAIN FEASTS.

The following questions, concerning the occurrence and transfer of certain feasts, have been submitted to the Sacred Congregation of Rites for clarification and resolution:

I. Having examined the rubrics of the Roman Breviary, namely both the general rubric in Title IV concerning the accidental occurrence of feasts and their transfer, number 2, as well as the special rubric concerning the Octave of Epiphany occurring on a Sunday; and from this, a doubt arises: If a feast of the first class, occurring from January 7th to 12th inclusive, falls on a Sunday, what should be done?

II. When the common Octave occurs on the same day as a feast of the Lord of the higher rank (duplex maior), the Office for the Octave is recited with the commemoration of the feast of the Lord. The question is: If the aforementioned Octave falls on a Sunday, will the Office be for that Sunday with the commemoration of the Octave and the feast of the Lord; or rather, does the right of the feast of the Lord revive above the Sunday Office?

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis - Official Commentary III. In the Diocese of N., the title of the particular church is "Of the Seven Sorrows of the Blessed Virgin Mary." On the Friday after the Sunday of the Passion, it is to be celebrated with the proper double rite of the first class; and the following day, another feast of double I or II class occurs. The question is: How often is such a titular feast of the Sorrowful Virgin Mary impeded, on the assigned Friday, by another more important feast, and on the following Saturday, by another feast of a classical rank, what should be done? And the Sacred Congregation of Rites, after hearing the opinion of a special commission, having carefully considered all matters, decided that the following should be the answer to this threefold question: To I. The office of the feast of double I class should be celebrated with the proper observance of the Sunday, according to the aforementioned general rule, title IV, number %. To II. Negatively to the first part; affirmatively to the second. To III. The titular feast of the Sorrowful Virgin Mary should be transferred,

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with the Paschal rite, after the Sunday in Albis, to the nearest following day that is free, according to the rubrics, title IV, number 3. And thus it decreed, declared, and ordered to be observed. On March 3, 1917. His Eminence, Cardinal Vico, Bishop of Portuense and of Saint Rufina, Prefect. Alexander Verde, Secretary. VI DECREE. CONCERNING THE RUBRICS OF THE BREVIARY. By a Decree of the Sacred Congregation of Rites of the City and the World, dated February 28 of the current year, concerning the Commemoration of all the faithful departed, His Holiness Pope Benedict XV, established and decreed that such a Commemoration should exclude all and each proper feasts of places, churches, orders, or congregations, and of other institutions. Therefore, the same Sacred Congregation, after hearing the opinion of a special commission, having carefully considered all matters, decided that the following variations, derived from the aforementioned Decree, should be made in the Rubrics of the Roman Breviary; and it ordered that these be inserted in future editions of the Breviary and observed by all.

[*Latin ed. p. 189*]

Sacred Congregation, of Rites. 189 In the rubrics of the Breviary, according to the norm of the bull "Divino afflatu." I Title, IV, number 6. The Commemoration of all the faithful departed excludes both feasts that occur on that day, and feasts that are to be transferred, of any rite. However, if the 2nd of November falls on a Sunday, the Office is that of the Sunday, with the Commemoration of all the Saints; and the Commemoration of all the faithful departed, with the same rights, is transferred to the 3rd day, as if to its proper day. II Title, V, number 4. The Commemoration of all the faithful departed excludes both feasts that occur on that day, and feasts that are to be transferred, of any rite. III. Note concerning the preceding tables: Number 16 is to be omitted. IV. Particular rubric in the Proper of the Saints, for the 2nd of November: The Commemoration of all the faithful departed excludes both feasts that occur on that day, and feasts that are to be transferred, of any rite. However, if it falls on a Sunday, with the same rights, it is celebrated on the following weekday, transferred, or entirely omitted, according to the rubrics, along with any other feast. Furthermore, the same Sacred Congregation has prescribed that the following variations are also to be added in future editions of the Roman Breviary. V. On the 22nd of September, after the 6th reading of the Office of St. Thomas of Villanova, Bishop and Confessor, the following words are omitted: "and ordered that his memory be celebrated on the 14th of the kalends of October."

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis - Official Commentary VI. On July 1st, in the Feast of the Precious Blood of Our Lord Jesus Christ, a special rubric at the end of the Office is to be expressed as follows: "If, however, this 'Feast'

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has two complete Vespers, everything is said as in one Vespers, 'but, in place of the last Psalm, the Psalm *Lauda, Jerusalem, Dominum* is said, and also the Versicle and Antiphon to the *Magnificat* as indicated below." Contrary provisions notwithstanding. March 10, 1917. A. CARD. VICO, Bishop of Portuense and St. Rufina, Servant of God. Pro-Prefect. Alexander Verde, Secretary.

[*Latin ed. p. 191*]

Sacred Penitentiary Apostolic ACTA 191. THE SACRED PENITENTIARY TRIBUNAL. AUGMENTATION OF INDULGENCES. THE ADDITION OF THE PENITENTIAL ROD TO THE ACT OF PENANCE.

Our Most Holy Lord Benedict, after receiving the petitions of the undersigned Cardinal Major Penitentiary concerning the increase of spiritual benefits attached to the act of penance with the penitential rod, deigned to grant to all the Christian faithful who, on any day of the year, shall visit the basilicas of the Lateran Palace, the Vatican, and the Liberian, and who, with true humility and sincere contrition, shall submit themselves to be touched by the penitential rod, one hundred days of indulgence, to be gained once a day, so that they may, if they wish, expiate the faults and penalties of a pious life.

Furthermore, the same Holiness deigned benignly to grant to the Cardinal Major Penitentiary the perpetual faculty, in the usual form of the Church, to grant to all the Christian faithful, who, according to the ancient and laudable institution, shall reverently and piously approach the aforementioned Major Penitentiary on the established days of the week in the three basilicas of the city, performing the prescribed rites, and who shall likewise submit themselves to be touched by his penitential rod, three hundred days of indulgence for the penances enjoined upon them or for any other debts of penance; with this intention that this indulgence may also be applied to the souls who, united to God in charity, have migrated from this world, as a form of suffrage.

Given at Rome, in the Sacred Penitentiary, on the 6th day of March, 1917.

[Signed] GULIELMUS CARD. VAN ROSSUM, Major Penitentiary. L.

[Signed] S. F. Borgongini Duca, S. P. Secretarius.

[*Latin ed. p. 192*]

192 Acta Apostolicae Sedis - Official Commentary

SACRED ROMAN ROTA OF FLORENCE

CONCERNING RIGHTS IN BURIAL PLACES

Under the blessed reign of Pope Benedict XV, in the second year of his

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pontificate, on the ninth of June, 1916, the Most Reverend Fathers and Doctors, Seraphinus Many, Ponens, John Prior, and Raphael Ghimenti, Auditors of Tournon, in the Florentine cause concerning rights in burial places, between the Reverend Angelus Ciuffi, represented by his legitimate procurator, the advocate Angelus d'Alessandri, and the Confraternity of St. Mark and the Most Holy Annunciation, represented by his legitimate procurator, the advocate Vincent Sacconi, in the appeal stage against the sentence of the Rota of February 26, 1915, issued by the aforementioned Reverend Angelus Ciuffi, rendered the following definitive judgment.

On August 28, 1871, the Reverend Santi B mazzi, pastor of the parish church of St. Felix of Ema, in the Florentine diocese, and the Sodalitas of St. Mark and the Most Holy Annunciation, established in this parish church, entered into a contract of association, for the construction, within the very parish cemetery, of a separate burial place, of the form, as it is said, of a columbarium; the principal law of this contract being that the pastor and the sodality should each bear half of the expenses of construction, and should receive half of the profits from future burials.

After the death of the Reverend Binazzi in 1880, the Reverend Angelus Ciuffi, his successor, entered into similar agreements with the same sodality, in the years 1882, 1889, and 1908, for the construction of other parts or sections of the burial place.

However, in the year 1908, a serious dispute arose between the pastor and the sodality, when the former denied that the sodality had any right to participate in the profits from burials.

This dispute was settled by the Florentine Curia by its decree of June 8, 1912, in which the aforementioned right was recognized and confirmed to the sodality.

After the pastor appealed from this decree, the cause, having previously been heard by a pontifical commission, was brought before the Sacred Rota.

Three questions were agreed upon, namely:

"1. By what title, to what extent, and with what obligations should the Sodalitas of St. Mark and the Most Holy Annunciation participate in the funeral revenues of the old and new cemetery in this case?

"2. Whether the profits received in the past should be returned to the sodality, or to the pastor, and whether damages should be compensated in this case?"

[*Latin ed. p. 193*]

S. Bomana Bota 193 « 3. From this, how, in what measure, and with what precautions should the administration of revenues be carried out in this case?». Furthermore, in response to these doubts, in a decree of February 26, 1915, it was stated: « Regarding 1. Affirmative, that is, the confraternity of St. Mark and the Most Holy Annunciation 'must participate in the revenues

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of the old and new cemetery, in this case, 'by virtue of agreements between it and the parish priest of St. Felix from Ema,' and in equal measure both in the burdens, expenses of labor, and ordinary and extraordinary maintenance to be borne jointly, 'as well as in the revenues to be divided among themselves. ' Regarding 2. Affirmative regarding the first part, negative regarding the second part, that is, 'the confraternity must be reimbursed by the parish priest for the revenues received in the past, as well as for any damages incurred, in this case.' Regarding 3. The administration of revenues must be carried out 'according to the norms established in the agreement of April 26, 1908.' Therefore, the Reverend Parish Priest Angelus Ciuffi appealed against this decree, and consequently, in the Holy See, the following question was agreed upon: Whether the decree of February 26, 1915, should be confirmed or rejected in this case. Regarding the law. All laws proclaim that faith must be kept with agreements: 'For what,' says Ulpian in L. 1, De Pactis, 11, 14, 'is more in accordance with human faith than to observe those things which have been agreed upon between them?' Therefore, among those who have entered into an agreement, the agreement is like a law. Furthermore, this effect, namely, the obligation arising from either side, is not produced by the contract, unless the contract is valid. But in order for a contract to be valid, several things are required; among which are these, which are more relevant to the present case, namely: 1) That the contract be made between persons, whether natural or legal, who are legally capable of entering into a contract. 2) That there be absolute consent, from both parties, free from error and fear. 3) That if any formality prescribed by law is required under penalty of nullity of the contract, it must be strictly observed; thus, if the alienation of ecclesiastical property, whether immovable or movable of considerable value, is involved, the validity of the contract requires apostolic approval, according to the Bull Ambitiosae of Paul II; however, this does not apply to immovable property of little value, or, as it is said, to small plots of land, the alienation of which is sufficient with the license of the Ordinary. All of these things, being clear and uncontroversial among all, we can proceed to the facts. Regarding the facts. The main question in the present dispute is: Whether the confraternity of St. Mark has the right to participate in the revenues from burials that have been made or are made in the specific tomb which...

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis - In the cemetery of Saint Felix at Ema, a commentary was erected. A judgment was rendered, awarding the aforementioned right to the association, based on four agreements entered into between the association and the pastors of Saint Felix. On the other hand, the procurator, the Reverend pastor Angelus Ciuffi, maintained that these agreements were entirely null and void, and therefore rejected the association's claim to the right. Therefore, the validity of these agreements must

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be investigated. The first and principal agreement, from which the others derive their origin and example, was initiated, as stated in the factual account, on August 21st of the year 1871, between the pastor Binazzi and the association of Saint Mark. The principal clauses of this agreement must be presented, so that its purpose and nature may be more clearly understood. "Since the Reverend Father Santi Binazzi, pastor of the church of 'Saint Felix at Ema' in the municipality of Galluzzo, has recently obtained, both from the government authorities and from the aforementioned municipality, the permission to construct a burial ground in the form of a columbarium, to be erected adjacent to the cemetery attached to the aforementioned church; Since, following this concession, the aforementioned Mr. Pastor Binazzi, recognizing the convenience of promptly constructing the first section of this burial ground, in order to then, with the revenues from the burial fees on that section itself (provided that, after paying the expenses incurred for said first section, he will not wish to dispose of any surplus in any other way), to complete such a work, invited the representatives of the Venerable Company of Saint Mark and of the Most Holy Annunciation in Saint Felix at Ema to cooperate with him in the expenses foreseen and incidental to such construction; ... Mr. Pastor Binazzi, in his own interest and in the interest of the aforementioned church, and the gentlemen Filippo Barcali and D. Francesco Chelazzi (who acted in the name of the association), in the interest of the aforementioned Venerable Company, agree and concur to construct and erect, at common expense and thus in perfect halves between them, the first section of the burial ground that Mr. Pastor Binazzi has been authorized as above to erect. The maintenance and preservation of said first section of the burial ground, as well as of the current cemetery, will be borne equally by the pastor and the Company, in accordance with the agreements established with the municipality of Galluzzo. Furthermore, the Company will pay annually to the pastor of the aforementioned church of Saint Felix at Ema, half of the fee that will be assigned to the land to be used for the construction of the entire burial ground and for the enlargement of the current cemetery on the northern side, by the expert Mr. Mattias Facchini, elected by mutual agreement of the parties; this half of the fee shall not exceed..."

[*Latin ed. p. 195*]

S. Bomana Bota 195: "In the interest of half the price that the parish priest might obtain from the land through a strict sale and purchase in the current circumstances; once the works of the aforementioned burial section are completed, the accounts will be settled, and with the assistance of the Proposto [church official] and the aforementioned three brothers, the precise amount of the expenses will be determined. As payments for burial fees are received, the sums previously advanced will be gradually returned to the parish priest and the Company, respectively; and if there

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is a surplus, this, if the parties do not proceed with the construction of a second burial section, must be divided between the Proposto of S. Felice a Ema and the aforementioned Company, with the remaining obligation of maintenance as stated above in all cases; the expenses of the present document, as well as those necessary for the acts required for the construction of the aforementioned works, will be borne for half by the Venerable Company and for the other half by the Proposto Binazzi."

This concerns a contract of a society, according to the norms of law. In this, each party contributes money in common, so that each may receive a corresponding share of the profit. The parish priest, in addition to money, also contributes, in a certain sense, a portion of the parish land; but, on his part, the sodality pays an annual canon corresponding to this portion of the land; so that, as far as possible, all expenses are borne by half by each party, and all profits are received equally by half by each party. Therefore, nothing is more just in this agreement; nothing is more in conformity with the law. And this has been consistently observed from the year 1871, when this society was established, to the year 1908, that is, for thirty-seven years. However, in the year 1908, the parish priest, wishing to evade the force of this contract, claimed that it was invalid due to a lack of apostolic approval. He stated that it did not concern the alienation of parish property, but rather a real burden imposed on the parish property, which was equivalent to a long-term lease; these are the words of the parish priest's procurator, in the second proposition: "In order for the nullity to occur, it was not necessary that it be a sale and purchase of real estate, nor an alienation of parish property; it was sufficient to impose a simple and straightforward long-term lease. To say, as the first judges said, that in this case it was a society, does not answer the argument. In good faith, the parish priest was contributing a portion of the parish land to the society, so that the confraternity would receive a share of the profits, and this was at least equivalent to a long-term lease. This is the entire error of the judgment."

[*Latin ed. p. 196*]

196 Acta Apostolicae Sedis - Official Commentary. It is indeed true that the first section of the distinct burial ground, which the contracting parties primarily intended in the agreement of the year 1871, was built upon parish land, that is, upon the very cemetery of the parish church, as is evident from the very wording of the agreement: "The maintenance... 'of the current cemetery on which the burial ground itself is located';" which is, moreover, agreed upon between the parties. But from this it does not necessarily follow that an apostolic approval was required. For, from this distinct burial ground's construction, neither was any part of the parish cemetery alienated, nor was any new burden imposed upon this cemetery; since the burden of receiving the bodies of the deceased for burial is essentially inherent in the cemetery itself, so that, with the construction of the

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distinct burial ground, only the location of the burial itself was changed; for before the burial ground was constructed, the bodies were buried beneath the earth; with the construction of the burial ground, the bodies are now buried above the earth, that is, in cells suitably arranged for this purpose in the columbarium; from which it is evident how false is the comparison of the burden imposed upon the cemetery with a long-term lease. Moreover, when the administrators of a cemetery grant a portion of this sacred place to someone, so that he may build a burial ground there for himself and his family in perpetuity, no apostolic approval is required, because, indeed, no new burden is imposed upon the cemetery; and this is the common opinion of the doctors, according to universal custom. Thus, Petra, in Const. V Pauli II, sect. 2, n. 17-18; De Luca, De alienationibus, disc. 22, n. 5-7; Giraldi, Expositio Iuris Pontificii, sect. 755, p. 563. Nor should you say that the granting of a burial ground to a private individual for himself and his family differs greatly from the present case; because from that grant, he in whose favor it is made, receives no benefits, while, in our case, the Sodalitas S. Marci received substantial benefits; so that, in order that the parish land might be admitted to participate in these benefits, an apostolic approval was required, just as that approval is required for a long-term lease of ecclesiastical property. - Nor, we say, should you say this; for the benefits that the Sodalitas S. Marci received did not come from the parish land, but from the money and work that the confraternity contributed, for its part, according to the terms of the contract of association; from which it also follows that, by virtue of the same contract, it had a strict right to these benefits; from which it is again evident how great a difference there is between the present case and a long-term lease. But even if an apostolic approval was necessary in this case, no difficulty arises therefrom regarding the validity of the aforementioned agreement; because, since this agreement has been observed peacefully for thirty-seven years, from this long period of time and peaceful observance, a presumption of apostolic approval arises, as

[*Latin ed. p. 197*]

Saint Bonaventure, Book 1, Chapter 197, is well known from the common teaching of Canonists; see De Luca, *De alienationibus*, discourse 1, paragraphs 83-93. It should not be said that this presumption of apostolic approval, arising from a long period of observance, was abolished by Urban VIII in the bull *Romanus Pontifex in sacra*, dated July 7, 1641 (Bull. Rom., edition Taurinen., vol. XV, p. 122).

Indeed, Urban VIII, in the aforementioned bull, § 9, stated: "Nor shall any other matter whatever..." etc., thereby abolishing this presumption, and preserving only the centennial observance, in § 15, stating: "Nor do we intend to abolish the centennial prescription..." etc.; which has also been judged on several occasions by the Sacred Rota, for example, in *Recen-

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tiores*, decree 412, paragraph 18, Part IX, vol. 2; decree 219, paragraph 5, Part X; decree 268, paragraph 22, Part XII. However, this constitution of Urban VIII does not apply to contracts between two churches, or two legal entities assimilated to churches, because in these cases, the presumption of usurpation and bad faith is absent, to which the aforementioned constitution refers. This has also been decided on several occasions by the Sacred Rota, for example, in *Recentiores*, decree 10, paragraph 12, Part XIV; decree 362, paragraph 5, Part XVII; and in this sense, De Luca interprets the bull in *De alienationibus*, discourse 1, paragraph 98; and discourse 2, paragraph 13, citing other decisions of the Sacred Rota. Therefore, for our agreement of the year 1871, which was initiated between the parish church and the confraternity, the presumption of apostolic approval arising from an observance of at least thirty years remains. This is even more so, because, in this case, we are dealing with a small piece of ecclesiastical land, for which, according to canon 556, the approval of the Ordinary was sufficient for its alienation (as will be stated later in connection with another agreement of the year 1882). The consent of the Ordinary is much more easily obtained and presumed, especially in our case, since the cemetery of Saint Felix, located near the city of Florence, is very close to the episcopal see, and therefore, the tomb was built almost within sight of the Archbishop. Therefore, there can be no doubt about the validity of the agreement of August 21, 1871, between the parish priest Binazzi and the confraternity of Saint Mark (other difficulties raised against the validity of this agreement will be discussed later). We must now turn to other agreements between the Reverend parish priest Ciuffi and the same confraternity. The second agreement was made in the year 1882. This concerned the construction of a second section of the tomb, similar to the first in terms of size, but to be built on a fertile part of the parish land, consisting of vineyards and olive trees; therefore, the approval was required, not of the Holy See, but only of the Ordinary, because, as the Archbishop of Florence himself considered, it concerned a small piece of land. Therefore, on April 13, 1882, the Reverend parish priest Ciuffi requested the permission of the Ordinary, on behalf of himself and the confraternity: "Today, the purchase of..."

[*Latin ed. p. 198*]

198 Acta Apostolicae Sedis - Commentarium Officiale: "Concerning the second section, the parish priest and the Venerable "Company of St. Mark and of the Most Holy Annunciation" request [permission], stating that, as they have done thus far, they will bear the expenses and also share in the revenues"; to which the Archbishop granted permission on August 14, 1882, confirming the conditions stated by the parish priest, namely, that all expenses and burdens should be borne jointly by the parish priest and the confraternity, and that all profits should be received by both parties. Therefore, this second agreement, initiated in the year 1882, which was nothing

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more than a continuation of the agreement of the year 1871, was claimed by the Reverend parish priest Ciuffi, from the year 1908, to be null, not because of a lack of approval from the higher ecclesiastical authority, but because he himself had been deceived by the confraternity. To understand this, it must be known that a clause resolving the agreement in favor of the parish priest was included in the agreement of the year 1871, with the following words, as stated in the text of the agreement above: "If the expenses incurred for said 'first section' are paid, it will not please him [the parish priest] to dispose of the remaining funds in any other way"; that is, the parish priest intended, after the first section of the cemetery was constructed, to build other sections as well, with profits derived from burials, unless he had decided to dispose of these profits otherwise. Furthermore, the Reverend parish priest Ciuffi, in order to invalidate the agreement of the year 1882, states that, when he began this agreement, he was unaware of the contract of the year 1871, and therefore of this clause, and that he was thus deceived by the confraternity, which proposed to him the contract of the year 1871 for confirmation, without presenting the instrument of this contract. This is what the procurator for the parish priest Ciuffi stated: "The confraternity took great care not to show it to him [the agreement of 1871], and the reason for this is easily understood. This was precisely the decisive moment in which the new parish priest could have availed himself of the resolving clause, even if the Binazzi agreement were not fundamentally null and void, and could have obligated the successors. It was therefore advantageous for them to let that moment pass. When Ciuffi had committed himself, then they could show him that contract!" From this, it follows that, once D. Ciuffi, through his excessive good faith, and almost we might say simplicity, believed the words of the confreres, without having before his eyes the Binazzi agreement, which he considered valid and binding upon him, and not accompanied by a resolving clause in his favor, the letter addressed to the Curia in the years 1882 and 1889, and the subsequent agreement signed by him, did not constitute a ratification of the Binazzi agreement. One does not ratify that which one does not know. However, all of this does not invalidate the force of the aforementioned agreement.

[*Latin ed. p. 199*]

1. The parish priest claims he was deceived by the confraternity; however, he does not prove this; for the mere assertion of the accuser is not sufficient, especially since deception and fraud are not presumed.

2. Granted, not conceded, that the parish priest truly ignored the aforementioned clause, this ignorance or error does not invalidate the agreement; for it is not substantial; the substance of the agreement is the participation of both parties, in equal measure, both in expenses and burdens, and in profits; moreover, the parish priest certainly intended this, and consented to it, when he himself requested the Curia to allow him and the

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confraternity to enter into this agreement; indeed, this agreement was most just, having already been initiated by the parish priest Binazzi for the first section of the tomb, observed for eleven years, and approved by the Curia.

3. If the parish priest ignored the aforementioned clause, he must attribute this error to himself; for, being the administrator and custodian of the parochial goods, when he was asked by the confraternity to renew the agreement begun with his predecessor, he should have inquired about this agreement and requested its instrument; the fact that he did not do so is his fault.

4. Finally, it must be noted that an error which did not provide a cause for the contract does not invalidate the contract; and such was the error of which the parish priest complains; at least, the parish priest has not demonstrated that the error, about which he speaks, was the cause for him to enter into the contract; indeed, a compelling reason demonstrates that the error did not provide a cause for the contract; namely, that the parish priest, in the year 1908, when he certainly knew the agreement of the year 1871, and its entire content, and the aforementioned clause, expressly renewed the agreement of the year 1871, in all respects and in every way, concerning the fourth section of the tomb, as will soon be said. Therefore, the agreement of the year 1882, which concerns the second section of the tomb, remains valid; and the same is entirely true of the agreement of the year 1889, for the third section of the tomb; for which the parish priest, in his own name and in the name of the confraternity, also requested the necessary permissions from the Curia, by letter dated February 5, 1889. As for the agreement of April 26, 1908, the parish priest's attorney states that it is null, although duly signed by him, because the parish priest signed it only on the condition that his advisor, the Reverend Ricciardi, would approve it. These are the words of the attorney (Restricted for the second proposition, p. 31-32): "When, in 1906, the confraternity presented to him [the parish priest] the agreement of June 26, which was presented in duplicate, he signed it, but kept the signed original, saying to them that he would deliver it only if, after consulting, he was told that..."

[*Latin ed. p. 200*]

200 Acta Apostolicae Sedis - Official Commentary: "It was to be confirmed; therefore, under this condition (that is, if he "had a favorable opinion"), he would deliver it at the time that the other original, signed by the confreres, was delivered to him. Ciuffi received a contrary opinion, and was advised not to exchange the document with the confreres, and he retained the original that he had signed, leaving the other in the hands of the confreres. Indeed, the confraternity initially produced one of the two originals of the document, which did not contain Ciuffi's signature. The other copy, signed by Ciuffi, that man of scrupulous conscience, he presented only after an incidental request was made to administer an oath to him, regarding the

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fact that he had signed and kept one of the two originals of the document with him. He could not, nor did he wish to, swear falsely, and he presented the document."

But this conditional agreement, which the parish procurator claims, does not refer to the agreement of April 26, 1908, but to another agreement of March 29 of the same year, as Reverend Adelmus Zoli rightly explains in his sworn declaration of December 3, 1914 (which can be seen in the printed volume: Documents already existing in the records, pages 5-6). As he explains, on March 29, 1908, the confreres presented a certain agreement regarding the cemetery to the parish priest; when the confreres heard that this had been approved by Father Ricciardi (who was then absent), the parish priest signed it, but added that he would not produce it until Father Ricciardi returned. When Ricciardi returned, he denied having approved the agreement of March 29, and told the confreres, as reported by the aforementioned Adelmus Zoli: "At least you would have made an agreement that was a continuation of what you say you did with the former pastor, Binazzi..., then it would have been less bad, but to make a document that excludes the parish priest, and to say that you are in agreement with me, is a true indignity." Therefore, on April 26, the confreres presented another document, which had been prepared since 1906, which the parish priest and the confreres signed, and also the aforementioned Adelmus Zoli, as a witness. This document is truly, as Father Ricciardi had requested, a "Continuation of the agreement of 1871," as the parties declare at the very beginning of the document, and as is evident from the entire tenor of the agreement, in which equal parts are assigned to the parish priest and the confraternity, both in expenses and burdens, and in benefits. Therefore, it differs greatly from the agreement of March 29, which had no connection to the parish priest ("that excludes the parish priest"); therefore, the conditional agreement, which the parish priest says he gave to the agreement, may indeed refer to the agreement of March 29, as testified by Father Adelmus Zoli, but it cannot be extended to the agreement of April 26, which is entirely different from it.

If the parish priest, or his procurator, insists, and says that the conditional agreement also extends to the agreement of April 26, 1908,

[*Latin ed. p. 201*]

On this the twentieth day of August of this year, no reason can be given in judgment for this assertion, because it is not demonstrated by any argument, nor by any written evidence or testimony. Indeed, no clause of reservation or condition was inserted in the written contract, which was drawn up in absolute terms and signed by both parties; therefore, nothing prevented it from taking effect immediately; for its inscription in the public records, or the delivery of a copy (signed by the parish priest) to the confraternity, were not conditions required for its validity. As for the fact

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that the confraternity did not immediately request this copy (signed by the parish priest), this should not be considered surprising, since this contract was nothing more than a renewal of the contract of the year 1871, which was well known and observed for 37 years, and since the parish priest, being himself a member of the confraternity of Saint Mark, and acting as "corrector," in fact kept many of its documents. Therefore, it is incumbent upon the parish priest to prove that the contract was duly initiated and is invalid due to a condition orally imposed. To prove this, he offers nothing but his bare assertion, which, being an assertion by a party in his own favor, has no value. When questioned in oral discussion, Reverend Ricciardi, regarding the reason for this reservation or condition imposed by the parish priest, replied: "The parish priest wanted to deliberate whether the contract was advantageous for the parish." But this assertion is most unlikely. For, as has been said, the contract concerned a renewal of the contract of the year 1871, which was well known and observed for 37 years, and whose advantages and disadvantages were therefore well known; moreover, this very contract of April 26, 1908, was not unknown to the parish priest; for two years earlier, namely on June 26, 1906, a "draft" of this contract had been prepared (which is in the records); and this draft was copied verbatim into the contract of April 26, 1908 (even with the "date" erroneously stated). Therefore, the parish priest could have read and examined this draft, so that on April 26, 1908, he did not need further deliberation. Thus, having resolved the difficulties that relate to the conventions of the years 1871, 1882, 1889, and 1908, three difficulties remain to be resolved, which relate to all these conventions together. 1. The advocate, Reverend Ciuffi (in the final Response or Replication), states that the parish priests of Saint Felix, from the beginning of the construction of the new burial ground, that is, from the year 1871, intended and wanted to build, not just one or two sections of the burial ground, but the entire burial ground, as is evident from the very terms of the contract of August 21, 1871, and from the very nature of the work, which consists of four sections; therefore, since a portion of the parish land, for the entire burial ground, cannot be considered as land alienated, it was not sufficient to obtain the consent of the Ordinary each time, but it was required.

[*Latin ed. p. 202*]

Acta Apostolicae Sedis - Official Commentary: an apostolic mandate; otherwise, a fraud would have been committed against the law; these are the words of the procurator: "It is clear that to seek to be 'satisfied' with the approval of the Ordinary for the sale of that portion of land which was deemed necessary from time to time, while knowing and being obliged to know that for the entire work, as it had been conceived and carried out, such approval was not sufficient, means to commit a fraud against the canonical provisions in this matter." However, it is in no way established

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that the parish priest committed this fraud against the precept of the bull *Ambiosae*. Indeed, the parish priest would have committed this fraud if he had alienated portions of the parochial fund with the intention of avoiding the necessity of obtaining apostolic approval. But this was not the intention of the parish priest of St. Felix from Ema. He did indeed alienate portions of the parochial fund, but because he truly did not want to, nor could he, build the entire tomb simultaneously; for he lacked the funds; he could not build another section unless funds were obtained from the previous section; hence we read in the contract of 1871: "The Reverend Proposto Binazzi, recognizing the convenience of quickly constructing the first section of this cemetery, in order to then, with the proceeds from the burial fees on that section itself (provided that the expenses incurred for said first section are paid), to complete such a work." From these words as well: "provided that the expenses are paid," etc., it is clear that the parish priest's intention to build the entire cemetery was not so firm, but rather was only hypothetical, that is, unless otherwise suggested by circumstances. And this is true for all sections; hence, even the Reverend Parish Priest Ciuffi, before undertaking the construction of a new section, waited until the previous section was almost entirely occupied, so as not to make the undertaking useless, and also so that funds would be available to continue the construction. Therefore, it can only be said rashly that the parish priest of St. Felix alienated portions of the parochial fund in order to avoid the necessity of apostolic approval. Furthermore, this difficulty does not apply to the contract of 1871, for which, as has been said, no apostolic approval was required.

2. The procurator states that, for the conventions under discussion, the approval was required, not only of the Holy See, but also of the supreme civil authority; which he seeks to demonstrate from the concordat between the Holy See and Etruria, of April 25, 1851. In article 14 of this concordat, it is stipulated: "In this case (vacation of benefits), as well as in the other (possession of the invested), contemplated in the preceding article, it will not be permissible to alienate, lease for a long time, these goods, nor to subject them to real burdens, without..."

[*Latin ed. p. 203*]

S. Montana Bota 203: "The previous agreement, in the respective cases, was made both by the Holy See and by the 'Government.' The procurator admits that the agreement was rescinded by the civil authority by decree of January 27, 1860; but nevertheless, he maintains that it is still binding: 'But this abolition, which could not be decreed without the consent of both authorities (the civil and the ecclesiastical), was an oppression of the civil power against the ecclesiastical power, it was not approved by the Holy See, and it cannot be invoked before ecclesiastical tribunals... Therefore, the agreement remained canonically valid and binding even under the Italian

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legislation in the Tuscan provinces.' Consequently, with regard to these agreements, since there was never any permission granted by the supreme civil authority, they are null and of no importance. - But this difficulty is nothing. In the aforementioned agreement of 1851 with Etruria, as in many agreements with other nations, a distinction must be made between the concessions made by the Holy See to the Prince or to the civil authority, and the concessions made to the Church of that region, or to the bishops, clergy, and faithful. Therefore, when the Prince, or the civil authority, abrogates the agreement, the concessions made to the Church by it do not cease, because these concessions were not made to the Prince, and the same Prince cannot renounce them; but the concessions made to the Prince or to the civil authority cease, because, in fact, the Prince renounces them. Thus, in the agreement of 1818 with the King of both Sicilies, the Prince was granted, in article 27, the right to nominate suitable clerics to vacant bishoprics; but when, in 1861, the Italian civil authority abrogated that agreement, by that very act, the Prince lost the power to nominate to the bishoprics; which, as Emilius Gennari states in *Consultazioni canoniche*, consult. 1, n. 8, (edition 1904), is acknowledged by all. Similarly, in the agreement of 1801 with France, the same right to nominate to the bishoprics was granted to the first consul and his successors; but when the civil authority, in the infamous law called the *Loi de séparation*, of 1905 (article 44, n. 1), abrogated that agreement, by that very act, that right to nominate to the episcopate ceased, as all say, and as daily practice shows. The same, therefore, must be said of the agreement of 1851 with Etruria; the right to permit the alienation of ecclesiastical property was granted to the Prince (article 14); but when the civil authority abrogated that agreement in 1860, by that very act, it renounced the rights or privileges granted to it in that agreement, and therefore, the right to permit the alienation of ecclesiastical property ceased."

B. The procurator, Reverend parish priest Ciuffi, states that all the aforementioned agreements were between the parish of S. Felice ab Ema and the confraternity of S. Marci.

[*Latin ed. p. 204*]

204 Acta Apostolicae Sedis - Commentarium Officiale: are invalid, because this confraternity is not a juridical person capable of entering into contracts; indeed, it was suppressed in the year 1782, by both civil and canonical authority, and was never canonically restored. - However, this difficulty, likewise, is resolved by no means. Indeed, the aforementioned confraternity was suppressed in the year 1782, but (not to speak of civil restoration) it was canonically restored by an archiepiscopal decree of April 19, 1793. By virtue of this decree, which is recorded in the acts, the Archbishop expressly and formally approves certain new articles, added to the original articles of the confraternity of St. Mark; therefore, at least implicitly,

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he approves the confraternity itself, or, which amounts to the same thing, he canonically recognizes it; for the approval of statutes cannot be conceived without the canonical recognition of the confraternity. Therefore, this decree of April 19, 1793, as a decree by which the confraternity was canonically restored, is cited by the present Archbishop in the decree of June 8, 1912, by which the present controversy is settled. This decree of the year 1793, as canonically restoring the confraternity, is also recognized by the Reverend parish priest Ciuffi, in his declaration of November 24, 1913. Indeed, the procurator of the Reverend parish priest states that the confraternity was restored, not as a confraternity, but as a "pious union" of the faithful, and only for two specific purposes, namely, to administer the Holy Sacrament and to transport the bodies of the deceased to burial, and with complete dependence on the parish priest. But, besides the fact that this assertion is not demonstrated, the juridical capacity to enter into contracts, in any moral person, does not depend on the name by which it is called, nor on the purpose for which it is approved, nor on a greater or lesser dependence on the parish priest, but on the episcopal approval. In fact, this approval was newly received by the confraternity of St. Mark in the year 1793, and from that time, all rights deriving from it have been exercised and are exercised, especially the right to enter into contracts, even with the parishes of St. Felix from Ema, including the present Reverend parish priest. Given these circumstances, it is clear that the judges of the first instance rightly and appropriately answered the first question: "Yes, the confraternity of St. Mark and the 'Annunciation' must participate in the revenues of the old and new cemetery, by virtue of the agreements entered into between it and the parish priest of St. Felix from Ema, and in the same proportion, both in the ordinary and extraordinary burdens, expenses, and maintenance costs commonly borne, as well as in the revenues to be divided among themselves." From this also followed the answer to the second question, namely: "The confraternity must return to the parish priest the revenues received in the past, as well as make restitution for any damages in the case." Finally, since the administration of revenues in the agreement of April 26, 1908, was properly ordered, and this agreement, as stated above, is valid, the judges of the first instance also rightly ruled on the third matter.

[*Latin ed. p. 205*]

The Sacred Roman Rota, after having considered the matter, responded to the question from Boma, Bota, 205, stating: "That the administration of funds must be carried out according to the regulations established in the convention of April 26, 1908." Therefore, having considered and carefully examined all these matters, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal, and with only God before our eyes, decide, declare, and definitively pronounce: That the Royal sentence

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of February 26, 1915, must be confirmed, in response to the question posed: Affirmative to the first part; negative to the second. Regarding the expenses, We also confirm said Royal sentence, so that the Reverend parish priest, Angelus Ciuffi, must pay all judicial expenses of both instances, and, furthermore, for this second instance, the expenses and fees of the lawyer of the other party. Thus We pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the norms of the Sacred Canons, especially chapter B, session XXV, concerning reforms, of the Council of Trent, employing the executive and coercive means that may be more appropriate and effective for the circumstances. Rome, in the seat of the Sacred Roman Rota, on June 9, 1916. Seraphinus Many, President. Ioannes Prior. Raphael Chimenti. L. S. From the Chancery, June 30, 1916. Sac. T. Tani, Notary.

[*Latin ed. p. 206*]

From the *Acta Apostolicae Sedis* – Official Commentary, DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. Tuesday, February 27, 1917, in the Apostolic Palace at the Vatican, the particular Congregation of the Sacred Rites was held, in which the Most Reverend and Most Illustrious Lords Cardinals and the Most Reverend Prelates, members of the same, discussed and gave their vote on the following matters: I. Concerning the validity and relevance of the Apostolic Process constructed in Rome regarding the reputation of the sanctity of life, of virtues, and of miracles in general, of the Venerable Servant of God Paola Erassinetti, foundress of the Congregation of the Sisters of Santa Dorotea. II. Concerning the cult, in obedience to the Decrees of Urban VIII, never previously rendered to the Venerable Servant of God Maria Bernardetta Soubirous, of the Sisters of Charity and the Christian Institution of Nevers. III. And likewise concerning the cult, in obedience to the Decrees of Urban VIII, never previously rendered to the Servant of God Giuseppe Maria from Palermo, a novice of the Capuchin Order. Tuesday, March 13, 1917, in the Apostolic Palace at the Vatican, before the august presence of the Holy Father, the general Congregation of the Sacred Rites was held, in which the Most Reverend and Most Illustrious Lords Cardinals, the Most Reverend Prelates, and the theological Consultors who compose it, first discussed the doubt concerning the suitability for the solemn Beatification of the Venerable Anna of Ö. Bartolomeo, a professed nun of the Discalced Carmelites of Antwerp; and then concerning the doubt regarding the heroism of the virtues exercised by the Venerable Giuseppe Maria Pignatelli, a professed priest of the Society of Jesus.

8. APOSTOLIC PENITENTIARY. BY ORDER of the Most Reverend Cardinal Penitentiary Major, the Holy Father deigned to appoint: February 24, 1917. Mons. Giuseppe Palica, Canonist of the Apostolic Penitentiary. The

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Reverend Francesco Borgongini Duca, Secretary of the Apostolic Penitentiary.

[*Latin ed. p. 207*]

From the Diary of the Roman Curia. SECRETARY OF STATE. BY ORDER OF THE SECRETARY OF STATE, the Holy Father has deigned to appoint: March 13, 1917. The Most Reverend Cardinal Donato Sbarretti, Protector of the Venerable Archicongregation of the Nativity of Our Lord Jesus Christ, known as the Congregation of the Dying. March 21, 1917. The Most Reverend Cardinal Tommaso Boggiani, Protector of the Dominican Tertiary Sisters of the Annunciation of Spain. March 21, 1917. Monsignor Bernardo Colombo, Regent of the Holy Penitentiary, and the Reverend Father Leonardo Lebii, General Vicar of the Order of Preachers, as Consultors to the Supreme Sacred Congregation of the Holy Office. By Apostolic Briefs, the Holy Father has deigned to appoint: To the Papal Throne: February 15, 1917. Monsignor Giuseppe Emanuele Cayzedo, Archbishop of Medellin. Apostolic Protonotaries, as if participating: February 23, 1917. Monsignor Luigi Angelillo, of the Archdiocese of Naples. March 2, 1917. Monsignor Giuseppe Canal y Lagares, of the Diocese of Cadiz. Domestic Prelates of His Holiness: March 7, 1917. Monsignor Emilio Román Torio, of the Diocese of Pamplona. March 9, 1917. Monsignor Carmelo Patané, of the Diocese of Acireale. HONORS. By Apostolic Briefs, the Holy Father has deigned to bestow the following honors: The Order of Saint Pius with Plaque: March 1, 1917. To the Captain Count Zaccaria du Réau, Commander of the Regiment of the Pontifical Zouaves.

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis - Commentarium Officiale. The Commendation of the Order of St. Gregory the Great, civil class: February 24, 1917. To the Most Noble Baron Giovanni von Reitzenstein, Chamberlain of the Bavarian Court. The Knighthood of the Order of St. Gregory the Great, civil class: February 28, 1917. To Mr. Carlo Leggieri, Treasurer of the Commission for Economic Kitchens of the Circle of St. Peter. The Grand Cross of the Order of St. Sylvester Pope: February 27, 1917. To Mr. Vincenzo Gimeno y Rodríguez Jaén, son of the Minister of Foreign Affairs of Spain. March 1st: To the Most Noble Count Federico de Galen, of the diocese of Münster. The Knighthood of the Order of St. Sylvester Pope: February 16, 1917. To Mr. Professor Carlo Pellagatti Ricci, of the diocese of Atri. NECROLOGY. February 1, 1917. Most Reverend Giuseppe Raimondo Lbarra y Gonzalez, Archbishop of Puebla de los Angeles (Mexico). February 2nd: Most Reverend Augusto Coqset, of the Congregation of the Mission, titular Bishop of Cardica, Apostolic Vicar of Ce-Li meridionaoccidentale. March 1st: Most Reverend Raimondo Angelo Sara, Bishop of La Serena in Chile. February 11th: Most Reverend Bartolomeo Mirra,

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Archbishop-Bishop of Poggio Mirteto. February 12th: Most Reverend Giuseppe Ceppetelli, Patriarch of Constantinople, Vicegerent of Rome.

[*Latin ed. p. 209*]

Year IX - Vol. IX, May 1, 1917, No. 5.

ACTA APOSOLICAE SEDIS, OFFICIAL COMMENTARY.

ACTS OF POPE BENEDICT XV.

BY PAPAL DECREE, CONCERNING THE PATRIARCHAL COLLEGE OF CLERICS ATTACHED TO THE BASILICA OF LIBERIUS.

BENEDICT XV.

The most noble sacred buildings, dedicated throughout the Catholic world to the Virgin Mother of God, namely the Patriarchal Basilica of Saint Mary Major, founded by Liberius, magnificently restored by Sixtus III, and adorned with illustrious mosaics in memory of the dogma of the divine Motherhood of Mary, defined shortly before in the Council of Ephesus, have always been the object of singular care by the Supreme Pontiffs. Sixtus V and Paul V stand out in this regard with their munificence, who erected two excellent and ample chapels in the temple, one "for preserving the Cradle of the Lord," and the other "for guarding the most sacred image of the Great Mother of God"; and it is also fitting to remember the magnificent works of Callixtus III, Benedict XIV, and Pius IX, by which the Basilica of Liberius was greatly enlarged and embellished.

As for the performance of divine worship, so that it may be worthy of the dignity of this temple, both in the splendor of the ceremonies and in the number of ministers, Our Predecessors have suitably provided. However, in this matter, we seem to be able to add to and perfect their foresight; and indeed, because of our piety towards Mary, our Lady, we...

[*Latin ed. p. 210*]

210 Acta Apostolicae Sedis - Official Commentary. We have decided to decree that our most beloved Basilica shall now fulfill this function. Indeed, considering how our predecessors had arranged the administration of the divine offices in the patriarchal basilicas of the city, we observed that in the Liberian Basilica, what was best established for the Lateran Palace and the Vatican was lacking, namely, that, in addition to the College of Canons, each Basilica should have its own sacred seminary, with a double order of Beneficiaries and various kinds of chaplains and ministers, whose students would participate with the others in the choir on certain days. Therefore, we have turned our attention to the Venerable Capranica College, which

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is commended to us not only by its distinguished antiquity, but also by a private connection with us: for we never forget the time when, there, under the best discipline and with the finest studies, we were educated for the priesthood. Furthermore, it is known that this College was founded by Pope Callistus III, to whom we have said contributed greatly to the majesty of the Liberian temple. Therefore, at the urging of our Venerable Brother Cardinal Vincent Vannutelli, Bishop of Ostia and Preneste, Dean of the Sacred College of Cardinals and Archpriest of the same Liberian Basilica, together with our beloved sons, the Canons and the clergy of that Basilica, We, with the consent of our beloved son, Aristides, title Pancratio, Cardinal Priest Rinaldini, Protector of the Capranica College, and also our beloved son, Caietan Bisìeti, Protodeacon, Cardinal of the Holy Agatha, Prefect of the Sacred Congregation for Seminaries and Universities, by our own initiative and by the fullness of our Apostolic power, We establish and decree the following: I. The Venerable Capranica College shall henceforth be attached to the Most Holy Patriarchal Liberian Basilica, so that its students may participate in the choir on certain days, and, if any are absent of those whose turn it is, they shall serve in their place, according to the statutes of the Chapter. II. One-third of the Capranica College shall solemnly attend the sacred services in the Liberian Basilica every Sunday - unless...

[*Latin ed. p. 211*]

The acts of Pope Benedict XV, page 211, state that the feast of Saint Agnes, patroness of the College, falls on a day of celebration, and on all feast days which are observed by precept, except during the summer and autumn weekdays.

III. A greater number attend Mass and Vespers on days when the school is not in session, when the Cardinal Archpriest performs the sacred rites with solemnity; on the feast of the Dedication of the Basilica, and on the feast of the Assumption of the Blessed Virgin Mary, even though these feasts occur during the major school vacations; also on the ceremonies, offices, and sacred observances of the Greater Week, and on other more solemn feasts, as the Cardinal Archpriest may agree with the Cardinal patron of the College.

IV. A suitable lodging should be assigned to the students of Capranica within the sacristy of the Basilica, for the purpose of wearing and storing their choral vestments.

V. The chapel of the College of Capranica shall have the same rights as the chapels of the Basilica, which are called "chapels." However, it is permitted to celebrate Masses in all the chapels of the College.

Furthermore, in order that there may not be a lack of students from Capranica to serve at the Basilica of Saint Liberius, We grant to the Cardinal Protector of that College, for the time being, the faculty to admit young clerics of good hope, both from the city of Rome and from all of Italy, into

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the College, and to increase the number of its students up to forty.

Finally, in order that someone may provide paternal care for these students when they are present at the Basilica for the purpose of divine service, and so that the College of Capranica may maintain its domestic community in this respect, We decree that the Moderator of the College, for the time being, shall be included among the Canons of Saint Liberius, and shall be of the same rank and order as the others, and shall have the same rights as them, except that they shall not be subject to the rule regarding the attendance of the choir, unless on those days and hours when the students of the College are required to attend. However, We do not wish that anything detrimental should arise to the other Canons from this co-optation. Therefore, setting aside a suitable sum of money, a new canonry shall be established in the Patriarchal Basilica of Saint Liberius.

[*Latin ed. p. 212*]

Acts of the Apostolic See – Official Commentary, to be presented to the temporary Moderator of the esteemed College of Capranica, and to be administered separately from the common meeting of the Chapter at the Apostolic See. Therefore, this canonry will yield no other benefits than those arising from the revenues of the sum which we have assigned to it; and whoever obtains it will not participate in the distributions made among those present, nor will his absence cause anything to increase for those present; but, as a penalty, in the manner of the others, he will lose as much, and only yield the benefit in the Liberian sacristy. And We command that what has been established and sanctioned here by Us shall remain valid forever, notwithstanding any contrary provisions, even those worthy of special mention. Given in Rome, at St. Peter's, on the very day of the solemn feast of Easter, in the third year of Our Pontificate, A.D. 1917. BENEDICT XV. APOSTOLIC LETTER CONCERNING THE PRIMARY ASSOCIATION OF THE HOLY CROSS ERECTED IN THE BASILICA OF SESSESIA, GRANTING INDULGENCES. BENEDICT XV. For the perpetual memory of this matter. – It has been reported to Us, Our beloved son Placidus Magnanensi, Abbot of the Holy Cross in Jerusalem, of the Order of Cîteaux, that there exists in the Basilica of Sessoriana, canonically erected, an Association bearing the title of the Holy Cross, whose principal aim is to promote the cult of the Holy Cross through a sincere and open profession of the Catholic faith. This fruitful Association was, by Our Predecessor, Pope Leo XIII, through Apostolic Letters dated March 23, 1900, raised to the Primary grade, with the express faculty of incorporating other Associations of the same name and institution, and of properly communicating to them the indulgences granted to that Primary Society. It has come to pass,

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as was hoped, that not only almost countless numbers of both sexes,

[*Latin ed. p. 213*]

The Most Holy Pope Benedict XV has bestowed upon this Primary Association its name, and has also requested that as many Associations as possible, both within and outside the city, and outside the borders of Italy, seek to join. However, since the Primary Association cannot, by its very nature, share any indulgences with others, it has come to pass that this privilege, namely the power to admit other Societies and to grant them indulgencies, which has been solemnly bestowed for so many years, has, until now, been unattainable. In order to remedy this inconvenience, the aforementioned Abbot, humble and devoted to Us, has made supplications to Us; and We, for whom nothing is more dear than the devotion of the Christian people towards the Sign of our Redemption, grant these indulgences to the Primary Association of the Holy Cross, established in the Basilica of Sessoriana, which can rightfully be communicated to other institutions, both existing and to be established, bearing the same name and institute, and to those Societies of the same name and institute that are now and will be joined to it, throughout the entire world. Therefore, We, having heard the Most Reverend Fathers, Cardinals, Inquisitors General of the Holy Roman Church, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, grant to all and each member, of both sexes, who shall have given their name to either the Primary Association of the Holy Cross established in the Basilica of Sessoriana, or to other Societies of the same name and institute and joined to it, existing everywhere in the world, and who, after having confessed their sins and received Holy Communion, shall visit, on the feasts of the Finding and Exaltation of the Holy Cross, as well as on the feasts of the Nativity, Circumcision, Epiphany, Resurrection, and Ascension of Our Lord Jesus Christ, their respective church of the Society, and there shall offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, a plenary indulgence; and to those members of the Societies of the Holy Cross, both those already enrolled and those to be enrolled in the future, who shall participate each year in the penitential procession in their respective church of the Society, and who shall be truly penitent and confessed, and shall receive Holy Communion, on the Friday of the Greater Week, in addition to the indulgences of the Station, We grant, in the Lord, a plenary indulgence for all their sins, and their remission. Finally, We grant that the same members, now and in the future, who shall be duly enrolled in these Societies, and who, with at least a contrite heart, shall visit their respective church of the Society, as mentioned above, on the feast of the Name of Jesus, that is, the Sunday after Epiphany, and also on the Sunday of the Passion and on the Fridays within Lent, a plenary indulgence for the same number of years and of

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Quarantines as are usually prescribed by the form of the Church.

[*Latin ed. p. 214*]

214 Acta Apostolicae Sedis - We publish the Official Commentary. Furthermore, by Our apostolic authority, We grant that Associations of the Most Holy Cross, duly established everywhere, may participate in the indulgences granted to the Basilica of the Precious Blood, so that the faithful who are members of these Associations, if they visit the church of their respective Society on the second Sunday of Advent and the fourth Sunday of Lent, as well as on the Thursday of the greater week, and perform the other works prescribed, may gain the indulgences of the Basilica, just as if they had visited the Basilica itself on those days. Moreover, We grant to these members, if they so wish, the permission to expiate, by these plenary and partial indulgences, the faults and penalties of their past lives. Notwithstanding any contrary provisions. This grant is valid for the present and all future times. We decree that, with respect to copies, or exemplars, even printed ones, of these present Letters, if they are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same faith must be given to them as would be given to the present Letters if they were exhibited or shown. Given at Rome, near St. Peter, under the Fisherman's Ring, on the twenty-fourth of March, 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State. II TO THE VENERABLE SERVANT OF GOD, JOSEPH BENEDICT COTTOLENGO, HONORS ARE DECREED BY THE BLESSED APOSTLES. BENEDICT XV. For the perpetual memory of this matter. — If ever, and certainly today, it is necessary to recall holiness to true wisdom, which comes from God, and is far removed from pride (Ecclesiastes XV). For now, men, elevated by the progress of inventions, disciplines, and arts, so easily fall into arrogance and annoyance, that whatever exceeds the grasp of their minds and the strength of their nature, they reject and cast aside as fables, and they despise God and the Church founded by Him, and strive to undermine the foundations of society, rather than those which the Lord Christ established. In this situation, while they strive to persuade the ignorant multitude, abandoning all hope of another life, and...

[*Latin ed. p. 215*]

The acts of Pope Benedict XV, number 215, speak of eternal happiness, and of living here in blessedness, portraying a certain charity towards one's neighbors that is separated from the love of God, by which they believe they can perfectly and most appropriately alleviate the needs and miseries of others. Oh, that they would understand that, in some way, both reason and the experience of things confirm that the whole world is preserved and governed by the providence of God, and that human society is directed towards the ultimate end, which is above nature, by Him, through the

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appropriate ordering of enough. The love of God and the love of one's neighbor are so closely linked that, if one is removed, the other falls as well. But the love of one's neighbor, which they call philanthropy, although it pays some attention to the needs of the poor, nevertheless neglects the principles and aids of the soul, by which their endurance of the hardships that are inherent in the common condition of all is made easier and even pleasing. But God, who is merciful, often, when the principles of Christian wisdom seem to be forgotten, inspires men who are fully imbued with His Spirit and who practice active charity towards their brothers, so that they may bring back the multitudes who have wandered away from the right path, amazed by the singular virtues, the benefits, and the deeds accomplished. It was by this divine plan that, almost a century ago, a most outstanding and holy man flourished, who, inflamed with charity and compassion for the poor, accomplished wonderful things in their care, which, as if bequeathed as a legacy, still exist to this day, so that all, even those who are strangers to the faith, are compelled to exclaim: "This is the finger of God." In these events, you surely do not know whether to marvel more at the faith of the man, who, in a virtually infinite accumulation of needs, rests securely in God and in His Blessed Mother, like a child in his mother's arms, or at the recompense rendered by the most provident God, who, in a completely singular way, provides for such needs. This man, whose memory will always be a blessing, was born on May 3, 1786, in the city of Bra, in the diocese of Asti, now Taurinensi, from Joseph Anthony Cottolengo and Benedict Claretti, a couple who were as virtuous in their morals as they were conspicuous in their piety towards God and their generosity towards the poor; and to him were given the names Joseph Benedict at the sacred font. He was seen to have happily imbibed piety from his mother, and the child, in his mother's embrace, readily and often pronounced the sweetest names of Jesus Christ and Mary. As a young man, he was accustomed to gather his equals from their games of that age in the courtyard to recite the Rosary with him in the evening; and he would repeat the same prayer at night at home, with his parents, relatives, and neighbors. But with the little flowers of piety in his soul, which the grace of God had foreseen, the seeds of charity grew with equal abundance. From his earliest childhood, he gave away the coins or scraps of food that he received to the poor.

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis - Commentarium Officiale: He bestowed alms upon the poor; and when he began to study letters, if any beggars happened to meet him on the road, or if any of his schoolfellows lacked bread, he would freely share with them both bread and the food that had been given to him by his parents. Not yet having left childhood, once, when he was at home, he was silent and absorbed in thought, and he was measuring a certain room with a stick, moving it from side to side. When

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his mother, noticing this new activity, asked him why he was doing so, he replied that he wanted to know how many beds such a room could contain, and that his intention was to establish a hospital in that house when he grew up. This, indeed, clearly foreshadowed what he would one day accomplish, inspired by divine impulse and grace. After dedicating himself diligently to the study of letters, at the age of seventeen, he put on the clerical habit in order to begin his ecclesiastical life, feeling that he had been called to it almost from his earliest years; and he began to study sacred theology, under the guidance of a certain priest who, as a doctor in sacred disciplines at the University of Turin, had taken Braid into his care, because civil and ecclesiastical affairs had been almost entirely disrupted in the Alpine region by the incursions of French troops. Having somewhat settled his public affairs, he presented himself to the authorities to be admitted among the students of that Seminary; where, after being ordained a priest, he so impressed everyone with his piety and the power of his tears that those present seemed to see an angel rather than a man. After exercising the sacred ministry diligently and studiously for some time, both at home and abroad, at the urging of his superiors, he went to Turin to visit Augustine, so that, since she had pursued studies in theology privately and less fully due to the circumstances of the time, she might complete and perfect them at the Archgymnasium; where she so admirably combined the praise of priestly virtues with the progress of learning that she inspired admiration in others through her piety, innocence of character, and diligence, and, after facing public danger, was proclaimed with great acclaim as a doctor in theological disciplines. Returning to Braid, he diligently assisted the parish priest in the care of souls, and, during an epidemic that swept through the region, claiming many citizens of all sexes, ages, and ranks, he freely and willingly put himself in the midst of the danger, so that no one would lack assistance. Meanwhile, the Rector of the Congregation of Priests of the Body of Christ, who governs the parish and is also a canon of the Collegiate Church of the Most Holy Trinity in the Metropolitan Cathedral of Turin, and another canon, whom the theologian Joseph Benedict had heard, were so impressed by him that they accomplished what they greatly desired, namely, that he be admitted into the College. Although Canon Joseph Benedict performed his assigned duties commendably and was of a cheerful and pleasant disposition, he was nevertheless afflicted by a profound sadness.

[*Latin ed. p. 217*]

From the Acts of Pope Benedict XV, page 217, concerning his life: For when a priest, acting as a guide of conscience, clearly affirmed that God desired him to undertake a certain matter, which would greatly contribute to His glory, he was anxious and troubled, wondering what he should do to obey the divine will. However, the most merciful God did not allow

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this man, who was so eager to obey, to be burdened by such doubt for long. For the director of the Congregation, noticing that he was troubled, gave him a book about the life of St. Vincent de Paul, and instructed him to read it carefully, and to recount to his companions, when they were gathered together for relaxation, the passages that had most pleased him. This very reading inflamed him with such a desire to imitate the Vincentian charity, that he clearly understood that just as Vincent was a father to the poor and a comforter of all kinds of sorrows in Paris, so too he must be in Turin. Indeed, when he greatly desired to seize the first opportunity to enter the path of life that had been revealed to him by God, it happened that a certain woman, traveling with her husband and children to Lyons, stopped in Turin for health reasons. Having been rejected by the city's hospitals because she was pregnant, and also by the house for pregnant women because she was ill, she was finally taken to a very miserable room, which was open to the poor within the parish of the Body of Christ, for those suddenly struck by illness. The pious woman, as if she were about to die, requested a priest; Canon Joseph Benedict hastened to her, and comforted the dying woman with the most holy sacraments and words. But, while diligently performing his office, they greatly afflicted him, both the children's tears and the husband's sorrow, as he lamented the inhumanity of the Piarist Works of Turin. Immediately, the Venerable Servant of God returned to the Church of the Body of Christ, and, having rung the bell faithfully, and having gathered the faithful at the altar of the Blessed Virgin Mary, Mother of Graces, he sang the Lauretan Litany, his eyes constantly fixed on the sacred image. Scarcely had he entered the sanctuary, when, inflamed and burning, he emerged with a joyful and cheerful face, and uttered that memorable voice: "Grace has been granted, grace has been obtained: blessed, blessed, blessed is Our Holy Lady." What kind of grace it was, the Venerable Servant of God always kept hidden, but the events themselves declared it. For shortly afterwards, near the same Church of the Body of Christ, he arranged for two rooms to be built, and there he received four sick people, completely destitute of all help. And when he had arranged for other cells to be found for them, he placed old men and young people of both sexes, either infirm or poor, there, and entrusted them all to several women called "women of charity," who began to live a religious life according to the rules given to them by the good Canon, and who then took the name of the Venerable.

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis - Commentarium Officiale. The devoted servant of God was thus called. As things progressed favorably, the number of beds and the number of the sick increased daily; and when the plague, originating in India, spread throughout Italy, the citizens of Turin, who lived in houses near the Hospice, terrified by the contagion, repeatedly

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petitioned the leaders of the republic until a decree was issued to close the Hospice. However, even this calamity did not in any way discourage Joseph Benedict; rather, he believed that it had happened through the providence of God, as if he himself were unexpectedly warned that the Hospice, or as he called it, the "Deposit," could never reach the extent that necessity demanded, being as it was, too closely surrounded by the houses of citizens and almost overwhelmed. Therefore, jokingly, as was his custom, he said: "I have always heard that Braidense cabbages do not grow well unless they are transplanted; so, let the Deposit be transferred by the providence of God, and it will become a great cabbage." When the contagion ceased, after he had earnestly prayed to the Most Blessed Virgin in the sanctuary of the Consolation, asking her to guide him in choosing a location where the Hospice would be established, he acquired, either by purchase or construction, several houses in a deserted area outside the city walls, not far from that sanctuary, and adapted them for his intended purpose: thus, the works of the Venerable Servant of God seemed to begin anew. The work, however, grew daily to such an extent that new houses had to be added to the old ones, and all of them, enclosed by a wall, seemed almost to form a single town. One can see there the streets, even underground ones, the squares, the gardens, the chapels, and a communal temple, the most magnificent in size and decoration; and everywhere, individual houses: all of which, to those who walk around, seem to reveal that fellowship of life, by which the ancient faithful were united. The Venerable Servant of God, taking into account sex, age, health, and various conditions of life, distinguished these families, and each family had its own house and courtyard, named after God, or the Blessed Virgin, or the Saints. From the beginning, families of young people, the elderly, and the paralyzed, of both sexes, were admitted, and to these were added adults, the mute, those suffering from mental illness, and those afflicted with physical or mental defects. Also, Joseph Benedict founded both families of women and families of men, who would diligently strive for the salvation of themselves and those to whom they would be dedicated. Among these were: the Sisters of St. Vincent de Paul, of active life, whose task was to serve the sick, both in halls built for that purpose and in their own homes, if it were ever impossible for them to receive them into the Hospice due to a lack of space; and also, other families to be governed; the Sisters of Carmel, of contemplative and penitential life, some of whom would be in charge; and the Sisters of St. Taide, who, although they did not constitute a religious family, were nevertheless, under the guidance of the Sisters of Carmel, engaged in religious activities.

[*Latin ed. p. 219*]

The acts of Pope Benedict XV, page 219, state that those desiring to imitate the pious and penitential life of the aforementioned Carmelites, at the judgment of their superiors, might fulfill the conditions for taking vows; –

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The Sisters of Suffrage, leading a contemplative life, but also an active one; – The Daughters of Piety, or of Mary Dolorous, who would lead the same life as the Carmelites, or as nearly as possible, undergoing a trial period of several years before being admitted into their ranks; – The Sisters of the Good Shepherd, leading a contemplative life, but also an active one. Furthermore, there were other families of men: The Brothers of St. Vincent de Paul, who would assist physicians and surgeons in the homes of the sick, and also manage families of orphans and the elderly; – The Monks, or Hermits, of Cassine or Besse, names borrowed from the places of their residence, who would lead a contemplative and penitential life; – The Young Men of St. Thomas, who would dedicate themselves to sacred studies and disciplines in preparation for receiving the holy orders, if God called them to do so; – The Priests of the Most Holy Trinity, who would minister to the poor in all the houses, and perform the sacred services therein, under the authority of the Supreme Moderator, or General Superior, but without being bound by any vow. All these families and houses, the Venerable Servant of God desired, as we have mentioned, to be subject to that General Superior, and to observe the rules which he himself prescribed for each of them, rules so suitable to each that it seems as if Joseph Benedict himself had devised them for all the states of Christian perfection, or religious congregations, of both sexes, that exist in the Church. And who would be surprised, when Joseph Benedict himself openly declared that he had not discovered these rules through the power of his own mind, nor through the forces of human ingenuity, but that he had received them from the Virgin Mary, both the rules and the instructions for establishing these very families, as necessity dictated? He commanded that all these families, whether they were religious or did not have a specific religious congregation, should daily, after the morning prayers, attend the holy Mass and receive the Eucharist; they should recite the Our Father and the Angelic Salutation as often as the members of the Third Franciscan Order, to which he himself belonged, and which he wished all to join; they should recite the Rosary of Mary and the evening prayers before retiring. But furthermore, he arranged for the families to dedicate certain hours, day and night, to prayer before the Blessed Sacrament, so that perpetual praise might always resound in the house of God, and the abundance of divine benefits might be brought to the entire institution. This institution, as if it were a city, was given the name "Little House" by the Venerable Servant of God, under the auspices of Divine Providence, and of St. Vincent de Paul, and access to it was through a single door, above which, as a symbol, there was a wooden plaque with the inscription: "Charity compels us." Thus, Joseph Benedict conceived of it in his mind and arranged it so that, amidst such a variety of institutions,

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it would truly appear to be a house founded by God, to receive those who,

[*Latin ed. p. 220*]

220 Acta Apostolicae Sedis - An Official Commentary: [This passage concerns] the poor or the sick, those in need in any way, as well as those striving for religious perfection through one means or another. All those who seek refuge in the Little House find there both bodily and spiritual assistance, within a family that seems to be more suited to each of them; but if a family, previously chosen, whether religious or not, proves to be less suitable over time, or does not meet their needs, it is permissible for them, within the walls of the Little House itself, to move to another, where they may spend their remaining years in peace and provide for their own well-being. For fourteen years, this man of God founded so many and such institutions, and he observed the Little House with great care; furthermore, those who followed him in his work, imbued with the same spirit, have increased and perfected it so much that it can be affirmed that, just as in the beginning, so to this day, there has never been a lack of miracles in the Little House, for there, nearly eight thousand people, without any income, are fed and assisted towards eternal salvation, all through freely given contributions. This is, indeed, the reason why Augusta Taurinorum, now called the city of the Most Holy Sacrament and of Our Lady, is also called by this honorable name: a miracle of charity. Truly, although the Little House of Saint Joseph Benedict expresses, through its very nature, the spirit and the most fervent charity, as if it were a painted image of him, we will briefly mention some other things to give a glimpse of the features of his soul. It is well known that the Venerable Servant of God, having renounced his canonry and family life, dedicated himself entirely to the glory of God and to the poor, those whom the Little House called its masters. He became poor among the poor, simple among the simple, old among the old, a child among children, and for a long time he was often occupied with amusing them, as if he had nothing else to do, and he took the greatest care to ensure that they refrained from any fault, lived happily, and lacked nothing necessary. In this regard, as we have already said above, divine Providence has, in extraordinary ways, both during the lifetime of the Servant of God and after his death, abundantly provided for the needs of the Little House, so that it deserves to be considered a place of countless miracles. Certainly, Saint Joseph Benedict had such confidence in the goodness of God that it is said that he had not only such faith as could not be found in all the inhabitants of Turin together, but also that he was a more outstanding example and model of faith in the history of the Church, although many outstanding examples abound. Although God always rewarded his faith, as it were, with miracles, Saint Joseph Benedict nevertheless showed great humility, especially in times of prosperity, and fortitude in times of adversity; he considered himself to be nothing more

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than an instrument of divine Providence, and he jokingly said things about himself that would diminish his reputation, and he bore insults with a cheerful spirit; and if, at times, God wanted to test his faith and patience by delaying help, or if the devil tempted him and the family of the Little House,

[*Latin ed. p. 221*]

The acts of Pope Benedict XV demonstrated that a steadfast spirit enriches one with merit, deceives the cunning of adversaries, and repels their attacks. Therefore, the Man of God devoted himself to prayer for a long time and often, frequently losing himself in ecstasy, or seeming to be in the air; he fatigued his body with vigils, tormented it with discipline and every kind of penance; he venerated the poor, however repulsive they might be with sores, infested with lice, and with a foul and abnormal appearance, so much so that he would embrace them, having detected their heads, and would call them his delights; he treated the sick with such care that he would examine them himself, to see if they were awake, and at any hour he would hasten to their beds to offer them comfort, or with pious exhortations, to make their souls more pleasing to God; he often spent the entire night awake, and he wore out the day with the most arduous labors, so that the Little House might flourish; he honored the Blessed Virgin with such devotion, pursuing her with such ardent zeal, that he seemed worthy to be granted the grace that the same Virgin, in the appearance of a great matron, would deign to appear to him. Finally, having long desired to be dissolved and to be with Christ, not in the Little House, but, as he himself had wished, at Cherì, among his German brother canons, he passed away in holiness, on the 30th day of the month of April, in the year 1842, at the age of sixty-five. Indeed, he who was so devoted to one God that he bore a spirit detached from all earthly affections, thought and considered that he would not have died poor and alone in the Little House, where he was so much loved; moreover, he seemed to have wished to demonstrate, not with words, but with deeds, that the Little House should be solely a work of God. The funeral ceremonies for the Venerable Servant of God were held by the canons of the Collegiate Church of Cherì, and, moved by the holiness of the man, a very large number of citizens from all walks of life were present. On the third day after his death, his sacred body was brought to the Little House, and, amidst the lamentations of all, it was placed in the chapel dedicated to the Blessed Virgin of the Rosary, where he himself, Joseph Benedict, had foretold that he would be buried. From that time on, as the fame of his holiness spread more and more widely, even among foreign nations, a cause for his beatification and canonization was instituted with the Holy Congregation of Rites, and, after all that was necessarily to be considered in such a judgment had been completed, discussions began regarding the virtues of the Venerable Servant of God, until, after all the

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tests had been properly carried out, our blessed predecessor Leo XIII, on the 10th day of the month of February, in the year 1901, solemnly decreed that he had attained heroic virtue. Then, after the question of two miracles that were said to have been granted by God through the intercession of the Venerable Joseph Benedict Cottolengo had been raised, and after all matters had been investigated with the utmost scrutiny, We ourselves, on the 13th day of the month of August, in the year 1916, with great pleasure of mind, issued a decree regarding the truth of those miracles, and declared that further proceedings could take place. Since nothing remained except that the Fathers...

[*Latin ed. p. 222*]

222 Acta Apostolicae Sedis Commentarium Officiale. The Cardinals presiding over the Congregation of Sacred Rites, and others accustomed to offering counsel, were asked whether they deemed it safe to proceed with the granting of the honors of Beatification to the Venerable Joseph Benedict Cottolengo, in a general assembly held before Us on the twenty-ninth day of the month of November of the current year. Then, those same Cardinals of the Holy Roman Church, and those Prelates and Consultors present, with unanimous consent, responded that it could be safely done. However, in this matter of such great importance, We hesitated to express Our opinion, so that We might earnestly seek the assistance of the Father of lights. And indeed, having done so, on the second Sunday of Advent, that is, on the tenth day of the month of December of the current year, with the presence of Our Venerable Brother Anthony, Cardinal Vico, Bishop of Oporto and of Saint Rufina, Pro-Prefect of the Congregation of Sacred Rites and relator of the cause, and the Reverend Lords Alexander Verde, Secretary of the same Sacred Congregation, and Angelo Mariani, Promoter of the Faith, We solemnly declared that it could be safely proceeded with to the Beatification of the Venerable Servant of God, Joseph Benedict Cottolengo. Since these things are so, moved by the prayers of both religious families and the poor from the Little House of Divine Providence, by Our apostolic authority, We grant that the same Venerable Joseph Benedict Cottolengo may henceforth be called Blessed, and that his body and the relics thereof may be offered for public veneration, but not in solemn prayers, except once only, when the ceremonies of Beatification are celebrated in the Little House, as will soon be said, and only within its confines, unless the Archbishop of Turin deems it otherwise due to the gathering of the people; and We also permit that images of the same Servant of God may be venerated. Furthermore, by the same Our authority, We grant that the Office of the Confessors, with proper readings approved by Us, may be recited annually concerning him, and that a Mass proper, also approved by Us, may be celebrated, observing the rubrics, but only in the city and archdiocese of Turin, in the chapels of the Little House, and in houses established or to

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be established in any diocese, which both provide for the reception of the poor and are entrusted to religious of both sexes from the families founded by the Venerable Servant of God, provided that the Sacrament is kept there. Finally, We grant that the ceremonies of the same Beatification, observing what must be observed, may be celebrated in Augsburg of the Turinese, in the temple of the Little House, in the Basilica of the Body of Christ, and in the Metropolitan Church, and in Cheri, in the chapel where the Venerable Servant of God died, on the days determined by the Ordinary of Turin, within one year from the same ceremonies being duly performed in the Vatican Basilica, notwithstanding any Apostolic Constitutions and Ordinances, and decrees concerning non-cult, and any other contrary things whatsoever. We wish that...

[*Latin ed. p. 223*]

The acts of Pope Benedict XV, in these letters, even those printed, provided that they are signed by the hand of the Secretary of the Congregation of Holy Rites and sealed with the seal of the Cardinal Prefect, shall have the same full faith in discussions, even judicial ones, as would be given to the signification of Our will expressed in these letters. Given in Rome, at Saint Peter's, on the eighth day of the month of April, on the feast of the Resurrection of Our Lord Jesus Christ, in the year 1917, the third year of Our pontificate. P. CARD. GASPARRI, Secretary of State. LETTER I TO THE REVEREND FATHER DOM EMMANUEL LAGO Y GONZALEZ, BISHOP OF OXOMENSE, THANKING HIM FOR THE "PETRIANA STIPE," RESPECTFULLY PRESENTED BY THE DIOCESE. Venerable brother, greetings and the apostolic blessing. We have received the "Petriana stipe" which you recently sent, and which has been carefully prepared by your diligence; and we desire to give thanks not only to you, but also to your clergy and people, as much as to testify to our praise and benevolence. We know that this sum was collected from the offerings of individual faithful, and especially of the clergy, who, all of them, following your encouragement and your example, contributed a portion of the money they received from the sacred duty on the feast day of Saint James the Apostle, and who, with the sweetest counsel of charity, wished to offer it to Us. Therefore, we have greatly esteemed this offering, both as a singular act of piety and as a testimony of devotion; and we embrace both with a paternal and grateful heart, and we bestow upon you, venerable brother, and upon your entire diocese, and especially upon the men of the clergy, our apostolic blessing, which we earnestly grant in the Lord. Given in Rome, at Saint Peter's, on the tenth day of March, 1917, the third year of Our pontificate. BENEDICT XV, POPE.

[*Latin ed. p. 224*]

Acts of the Apostolic See - Official Commentary II AD II. To Father

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MICHAEL CERDA, Superior General, with his Procurator and Consultors of the Regular Clerics of Theatines, concerning the administration of the new association which he has designated. Beloved sons, greetings and the apostolic blessing. — Your recent letters have been a certain proof of your faith and obedience towards Us and this Apostolic See, in which you expressed great gratitude that We had designated a new administration for the aforementioned association, and you promised to be even more devoted if, as Our predecessors have been accustomed to do for four centuries, We would retain the office of patron of your Order. However, when We read your letters, We were pleased to recognize that the spirit of Caietan of Theate is still very much alive in you. This great man, endowed by God with a noble spirit and sanctity, a true hunter of souls, in those times when civil society was being oppressed, led a band of Clerics, distinguished by piety and rich in doctrine, to combat the heresies that were spreading widely, to promote the glory of God, and to revive the virtue that was almost extinct, and commanded that this group be entirely devoted and obedient to the authority of the Apostolic See, from which good soldiers of Christ receive their commands. You remember the testimony of benevolence that Caietan received from the most blessed Virgin four hundred years ago in the Exquiliis, where, guided by divine inspiration, he conceived the plan for the founding of this Order. Because he had carefully considered and meditated upon this matter, he was able, with God's help, to put it into practice, since he had auspicious beginnings for the undertaking, having obtained them from the Apostolic See, with solemn vows made before the delegate of the Most Holy Pope, in the Basilica of Vatican, called the Prince of the Apostles. Therefore, what good could not be expected for the Church and for civil society from this will and reverence, consistently demonstrated for four centuries, towards the Apostolic See? It does not behoove us to pursue this matter further in writing, as your words already express. We could not allow this noble lineage of Caietan to be diminished or weakened in any way, especially because the circumstances of those times seem to be approaching our own, due to the obstinacy of many.

[*Latin ed. p. 225*]

Decrees of Pope Benedict XV concerning the widespread corruption of morals among those who have strayed from the faith. Therefore, we gladly agree to receive you under our protection, as you desire. You, for your part, diligently pursue the work of a faithful parent, especially in bringing minds back to the Vicar of Jesus Christ, who alone possesses the words of eternal life. Thus, you will obtain abundant divine help, with the very prayer of Cajetan. And as a witness to our favor and benevolence, we impart to each of you, beloved sons, and to all your clergy, our apostolic blessing. Given in Rome, near St. Peter's, on the twenty-seventh day of March, in the year

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1917, in the third year of our pontificate. BENEDICT XV.

TO THE REVEREND FATHER GASPAR NIONENSE: GRATITUDE FOR THE WORKS "MARIA" AND "MICHAEL LATTY," COMMENTARIES, OFFERED TO THE ARCHBISHOP. Venerable brother, greetings and the apostolic blessing.

Your commentary, which you kindly sent to us in your leisure time devoted to literature, bears witness to its not inconsiderable fruit. We have read the works inscribed: "Les sept paroles de la Croix" (The Seven Words from the Cross), "Gethsemani et la voie douloureuse" (Gethsemane and the Sorrowful Way), and "N.-D. de Consolation" (Our Lady of Consolation), and they invited us to read them, not only because of their subject matter, but also because the opinion of many confirms the virtue of your work; and those who read them were so moved by the elegance of the subject matter, and by a certain sweetness of expression, that we scarcely read anything with greater pleasure. Above all, we were pleased that you treat matters of such importance and that you are so well suited to comfort, pursuing your purpose in such a way that a certain contemplation of the highest things may leave a kind of seed of true piety in the minds of the readers, and that they may be led from the delight of knowledge to the usefulness of acting piously. Therefore, venerable brother, we do not so much desire to thank you for the volumes offered, as we sincerely congratulate you and urge you that, just as you seek pleasure in writing, so too may you seek to always offer something that is sound and blameless, which may serve to stir up salutary spirits and to foster and strengthen virtue.

ACTS, vol. I, p. X, no. 5. - i-5-917. 15

[*Latin ed. p. 226*]

226 Acta Apostolicae Sedis - Official Commentary. May the blessing, which We impart to you, venerable brother, and to your clergy and people, be a sign of divine graces and a witness to Our apostolic benevolence. Given in Rome, at St. Peter's, on the tenth day of the month of April, in the year 1916, in the third year of Our pontificate. BENEDICT XV. TO THE MOST REVEREND AND RIGHT REVEREND MONS. MAURICE LANDRIEUX, BISHOP OF DIVION, HIS PASTORAL LETTER, WHICH TREATS OF THE RESTORATION OF PARISHES, IS COMMENDED WITH PRAISE. Venerable brother, greetings and the apostolic blessing. — In the letter which you recently addressed to your people, fulfilling your pastoral office, you could scarcely have chosen a more important subject than that which pertains to the life of parishes. For, through the lapse of custom, whereby the parish flourished with such discipline that it resembled a family, in many places it has come to pass that the pastor scarcely knows his flock, and the flock scarcely hears the voice of its pastor. How far this has extended, it places the ruin of the Church openly, and the dispersion of the flock follows; the strength of Catholics is dissolved, and

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the morals of Christians are changed, which, along with diminished faith, and the allurements of so many vices and invitations to sin, have increased to such an extent that scarcely any trace of the ancient beauty remains. Therefore, it is necessary to return from whence we have departed, and to restore the parish so that the multitude of believers may be of one heart and one soul; so that the pastor may be honored in it; that is, he should be in the midst of the people as a father among his children, and his authority should extend to all things, providing for all. From this, good things will follow, namely, that the sheep are not only fed by the pasture of doctrine and the sacraments, but are governed by precepts, encouraged by counsel, and by holy habits are aroused and strengthened in good things. Furthermore, there will be such a relationship between one faithful person and another that what affects one touches the others; those things which are common – we mean, institutions, and pious works, which, under various names, are many in each well-ordered parish – should be the concern of all, so that, prompted by piety, each one willingly contributes what he knows he needs.

[*Latin ed. p. 227*]

4. From the Acts of Pope Benedict XV: "You are not far from the truth when you write that, through the prudence of remembering past events and anticipating future ones, it has become clear to the Church of France, which has suffered so many indignities, that this is the only path open to salvation: to properly order the parishes, and, especially when the benefits of the most desired peace are enjoyed, to devote all care and thought to this, so that the faithful may be drawn back to the discipline of the parishes, and may draw from it the means to revive Christian praises and to break the audacity of enemies. These things are plainly judged by our own judgment: and this is the reason why we hope that your counsel and exhortations, and the counsel and exhortations of all the bishops of France, will restore the former dignity to their churches, when they restore the former form and character to the parishes. May the blessing of divine gifts and the witness of our apostolic benevolence be with you, venerable brother, and with all your clergy and people, which we impart to you with heartfelt affection in the Lord. Given in Rome, at St. Peter's, on the fourteenth day of April, in the year 1917, in the third year of Our Pontificate. BENEDICT XV."

[*Latin ed. p. 228*]

Acts of the Apostolic See - Official Commentary ACTA 88. SUPREME SACRED CONGREGATIONS. CONGREGATION OF THE HOLY OFFICE. DECREE GRANTING A PARTIAL INDULGENCE TO THOSE RENEWING THE PROMISE OF ACCEPTING WHATEVER FORM OF DEATH MAY BE OFFERED. On November 16, 1916. His Holiness, Pope Benedict, of blessed memory, Pontiff XV, in an audience granted to the

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Reverend Father, Assistant of the Holy Office, granted to all the Christian faithful who, after having duly received the Holy Communion, perform the following act, which had previously been endowed with a plenary indulgence for the article of death by the Most Holy Pope Pius, on March 9, 1904: "O Lord God my God, I now willingly and with a serene spirit accept from your hand, whatever form of death may be pleasing to you, with all its pains, punishments, and torments." A partial indulgence of seven years, as well as forty days, applicable also to the deceased, is granted once a month, with the benevolent concession that this shall be valid forever, without any need for a Brief. Notwithstanding any contrary provisions. R. CARD. MERRY DEL VAL, Secretary. L. © S. f Donatus, Archbishop of Ephesus, Assistant of the Holy Office.

[*Latin ed. p. 229*]

The Most Holy Congregation of the Holy Office issues the following Decree: A GRANT OF THREE HUNDRED DAYS OF INDULGENCE IS GRANTED TO THOSE WHO RECIT THE PRAYER TO THE BLESSED VIRGIN MARY, "O MOTHER OF MERCY." His Most Holy Lordship, Pope Benedict XV, on the 3rd of January, 1917, having heard the prayers of the moderators and students of the Pontifical Major Seminary of the Lateran, in whose smaller chapel the image of the Blessed Virgin Mary, called "O Mother of Mercy," is venerated with special devotion, has graciously deigned to grant to all the faithful, who, at least with a contrite heart, have devoutly invoked the same most blessed Virgin with these words: "Mother of Mercy!" that, whenever they do so, they shall receive an indulgence of three hundred days, to the benefit also of the souls detained in purgatory. This Indulgence is granted to be valid forever, without any brief being required, with all contrary decrees set aside. The document pertaining to this concession was duly presented to this Most Holy Congregation of the Holy Office, in accordance with the Motu Proprio of the same Most Holy Lordship, on the 16th of September, 1915, and on the 27th of January, in the year 1917. R. CARD. MERRY DEL VAL, Secretary. L. © S. Carolus Perosi.

III. DECREE OR DECLARATION CONCERNING THE EXTENSION OF CERTAIN INDULGENCES.

On the 22nd of March, 1917. His Most Holy Lordship, Pope Benedict XV, in an audience granted to the Reverend Father, Assistant of the Holy Office, desiring to comply with the wishes of many Most Holy Bishops, and having, as a preliminary, obtained the vote of the Most Eminent Fathers, Generals of the Inquisition, has graciously deigned to grant that the faithful...

[*Latin ed. p. 230*]

Acts of the Apostolic See - Official Commentary 230. Those who perform

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a devout genuflection before the Most Holy Sacrament, whether in the closed Tabernacle or solemnly exposed, may obtain the Indulgences granted by the Most Holy Pope Pius X on June 28, 1908, even if, instead of the invocation: "Jesus, my God, I adore You present in the Sacrament of Your love," they utter other words which express adoration. This present decree is valid forever, without any further Brief. Notwithstanding any contrary provisions. J. R. CARD. MERRY DEL VAL, Secretary. L. SB S. Charles Perosi, Assistant. S. O. SACRED CONGREGATION CONSISTORIALIS I. DECREE OF THE EPISCOPAL SEE REGARDING THE KEARNY OR GRAND ISLAND DIOCESE. For the proper and useful administration of a diocese, it is most advantageous and beneficial for a Bishop to establish his seat in that city which, by ease of access and frequency of roads, provides the swiftest connection to all other parts of the diocese. Now, since the Diocese of Kearny has recently been assigned a new territory, within whose boundaries is the city called Grand Island, which is the largest in the diocese, and which, due to the abundance of railways, is more easily connected with all parts of the diocese: therefore, upon the request of the Most Reverend James Albert Duffy, Bishop of Kearny, and with the support of the Most Holy See's Delegate in the United States of America, in order to promote the greater growth and honor of the Catholic faith, and for the benefit of the Christian people, the episcopal see is transferred from the smaller city of Kearny (Keamey) to...

[*Latin ed. p. 231*]

4. The Most Holy Congregation of Cardinals deemed it fitting to transfer the See, which is far greater and more distinguished, whether in the number of inhabitants and Catholics, or in the commerce of men and things, or finally in the ease of access by roads, from the city called Grand Island; His Holiness Pope Benedict XV, after consultation with this Most Holy Congregation of Cardinals, and after mature deliberation, having considered all things, and having received the petitions presented to him, judged it fitting to grant this request. Wherefore, having obtained the consent of those whose interests are involved or who anticipate a benefit therefrom, and having suppressed and extinguished the episcopal See of Kearny, along with its status and condition, its rights and privileges, in order to bestow upon this city the title of cathedral, and for the reasons pertaining to the apostolic power, this city, Grand Island, is erected and established as an episcopal See within the diocese, formerly called Kearny, but now to be called Grand Island, with the same rights, privileges, honors, and prerogatives, with which the See of Kearny and other episcopal sees in North America are endowed and enjoy. Moreover, His Holiness deigned to erect the church dedicated to the honor of Saint Mary in the same city of Grand Island as the cathedral of the diocese of Grand Island, and to establish therein the episcopal seat and dignity, with all rights, privileges, honors,

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and indulgences, with which other cathedrals in North America, and their prelates, enjoy and are endowed, not however with a burdensome title or by a special indulgence, and also to grant to this cathedral church, under the invocation of Saint Mary, all revenues and goods which belonged to the cathedral church of Kearny, as pertaining to it as a cathedral. Concerning these matters, the same Holiness ordered that a consistorial decree be issued, which shall have the same force as apostolic letters sealed with the leaden seal. Notwithstanding any objections whatsoever, even those worthy of special mention. Given at Rome, from the offices of the Most Holy Congregation of Cardinals, on the 11th of April, 1917. G. CARD. DE LAI, L. Bishop of Sabina, Secretary. ^ S. -f V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 232*]

Acts of the Apostolic See - Official Commentary

II. DOUBTS CONCERNING THE SECRET TO BE OBSERVED BY THOSE WHO ARE REQUESTED TO PROVIDE INFORMATION REGARDING CANDIDATES FOR THE EPISCOPATE.

The following doubts were proposed to this Holy Congregation for resolution:

I. Is it permissible for those who, under the seal of secrecy of the Holy Office, are requested to provide information concerning persons being considered for the episcopate, to reveal the information entrusted to them to others, for any reason whatsoever, even in order to obtain more reliable information?

II. Is it permissible, with the reservation mentioned above, to request information from others, whenever there is a danger, even a remote one, of the secret being revealed?

III. Is it permissible, for any reason whatsoever, to reveal the information obtained to another, even to the most secret and intimate person, or even within the very act of sacramental confession?

IV. With what penalties is one punished who acts in the first, second, or third case?

V. Can one, unaware of a particular piece of information, safely obtain it from another or others without any danger of violating the secret? Can one, without the permission of the Holy Congregation, question this person or these persons?

VI. And if one does so, is one obligated not to reveal the person or persons from whom one obtained the information in one's report to the Holy Congregation?

And the Sacred Consistorial Congregation, having carefully considered all matters, decided to respond to the aforementioned doubts as follows:

To I, II, and III: In all these cases, it is not permissible.

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To IV: By excommunication, from which no one can be absolved, except the Roman Pontiff himself, excluding even the Eminent Cardinal Major Penitentiary; and with other penalties that are established by law against those who violate the secret of the Holy Office.

To V: It is permissible.

To VI: One is obligated.

[*Latin ed. p. 233*]

4. The Sacred Congregation of the Consistory decrees that the following resolutions, having been presented by the undersigned Cardinal Secretary to the Supreme Pontiff in an audience on the 20th of this month, have been approved by His Holiness and ordered to be made public. Rome, from the offices of the Sacred Congregation of the Consistory, on the 25th of April, 1917.

[Signature] C. CARD. DE LAI, Bishop of Sabina, Secretary.

[Signature] L. S. F. V. SARDI, Archbishop of Caesarea, Assessor.

III. PROVISIONS CONCERNING CHURCHES.

By the decrees of the Sacred Congregation of the Consistory, His Most Holy Lordship, Pope Benedict XV, has provided for the following churches, namely:

April 14, 1917. – He appointed the Reverend Father Horarium Mazzella, formerly Archbishop of Rossano, as Prefect of the Metropolitan Church of Tarentum.

April 23. – He elected the Reverend Eugene Pacelli, Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, to the titular archiepiscopal church of Sardinia, and appointed him Apostolic Nuncio to the King of Bavaria.

April 25. – He appointed the Reverend Joseph Pali ea, Prelate of the Apostolic Tribunal of the Signature, and Canon of the Patriarchal Church of Libera, to the titular archiepiscopal church of Philippi, to serve in his place at the Vicariate of the City.

[*Latin ed. p. 234*]

234 Acta Apostolicae Sedis - Commentarium Officiale

SACRA CONGREGATIO CONCILII APUANA.

DE INTERPRETATIONE VOLUNTATIS.

Die 27 Ianuarii 1917.

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SPECIES PACTI.

- Ultimo testamento, dato in APUANA die 6 Februarii 1865, pius quidam testator, cum nonnullis praelegatis, de bonis suis in hunc modum disposuit: "De reliquo possessionum mearum, instituo fundationem ad propagationem bonorum librorum moralium, sicut sequitur: 'Haec fundatio habebit administrationem economicam, quae constabit ex parochis urbis, praeside Episcopo, vel eo qui Pontremoli eum repraesentat. Haec administrationem, singulis annis, resuelt rationes et providet. Post resueltas rationes, quilibet parochus accipiet eleemosynam sex francorum, ut singulos Missas celebret, ut divina Omnipotentia fundationi faveat. Ex reditu netto, semper servabitur pars copiosa ad reparationes et emendationes ordinarias, et ad reparationes et casus extraordinarios. Reliquum ex reditu, singulis annis, omnino spendeatur in libros, sicut dicam, vel in ea quae posterius subierunt, et quae erunt subiectum aliae fundationis, quae infra ad praesentem substituetur...

I. Episcopus continuo informabitur de bonis libris qui eduntur, quae sint relativa ad Dogmaticam, ad Morale, ad philosophiam, ad jus naturale, ad jus publicum, ad jus internationale, ad historiam, ad polemicam religiosam, et ad modos vivendi civilis, scriptis in sensu catholico, et providet de his libris in quantitate quae reditus anni portat; hi libri omnes ligati esse debent, in legato fortissimo et pulchro. Cunctis scholaribus, de bona conducta, qui omnia studia a scholis Seminarii incipiunt, Episcopus donabit aliquos ex dictis libris. Et... si hae scholae seminaristarum clausae fuerint, libri distribuuntur illis qui ab aliis scholis ecclesiasticis profuturi sunt, vel sacerdotibus, et etiam laicis qui studere volunt.

II. Si haec fundatio ad propagationem bonorum librorum impedimentum insurmontabile invenerit, substitutionem praebet distributioni praemiorum ad illam iuventutem parochiarum Pontremoli, Santissima Annunziata, Mignegno et Dozzano, quae se ad examen praesentavit..."

[*Latin ed. p. 235*]

The Holy Congregation of Councils, number 235, states: "It will be more beneficial for the Bishop, or his delegate, to inquire of three parish priests regarding the knowledge of Christian doctrine. Indeed, if possible, it would be even better to establish a Catechetical instruction, to be held in the Cathedral, using the texts of Gaume or Guillois, distributing honorable prizes to the most deserving students, and inviting the fathers of the most virtuous families to bring their children."

"III. When even this substitute institution of Catechetical instruction cannot take place, the funds should be used for the benefit of those poor individuals who have already left the hospital, after having been there for at least six days, or for the benefit of the poorest sick individuals outside of the hospital. The parish priests will inform the Bishop; but they should

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avoid issuing written certificates to those requesting assistance, in order not to have to certify their condition or attract any animosity."

"IV. If even this institution cannot be implemented, the funds should be used for the benefit of Assistant Curates who have been rendered impotent, or for the upkeep of church buildings in the city."

"Whatever of these substitute institutions, in place of the first, is put into effect, must cease, if the case arises that the first, once the obstacle is removed, can be implemented."

Furthermore, for many reasons, it has happened that this work, intended by the testator as a pious undertaking, could only be brought to fruition in third place and in order. And therefore, in the statutes concerning this matter, and approved by the Bishop of Apuana on May 16, 1867, Article 1 states the purpose of this pious work as follows: "Its purpose is to assist those poor individuals who are convalescing, who, after a stay of at least six days, will leave the Hospital of Pontremoli, or even the poorest sick individuals, outside of the hospital."

It is worth noting that, during the deliberation of May 16, 1867, when these statutes were approved, it was expressly stated that "the Monsignor Bishop declared that, by virtue of special faculties, he was derogating from what was contained in the will of the pious founder, which was contrary to the aforementioned statutes."

However, since neither in the will nor in the statutes were the specific locations or parishes clearly defined to which the poor individuals convalescing from the Apuana hospital or the poorest sick individuals at home, who could benefit from the charitable work, belonged; and since it was especially necessary for the civil authorities to ensure that the statutes of the pious work were more in conformity with the law, the administrative council, presided over by the Bishop, having noted that the benefits of the pious work had so far only been provided to the five parishes of the city of Apuana (while the municipality of Apuana includes twenty-six other parishes), made this limitation or determination:

[*Latin ed. p. 236*]

236 Acta Apostolicae Sedis - An official commentary on the new organic statute, published in 1904, wherein (article 2) the purpose of the pious work is described: "to assist those poor who are convalescing, who, after a 'lying-in period of at least six days, will leave the Hospital of Pontremoli,' or even the very poorest sick people outside of the Hospital, belonging to 'the five parishes of this city.'" Against this limitation established in the aforementioned statute, the pastor of the Most Holy Annunciation (whose parish is not far from the city of Pontremoli, and in whose favor the testator had also established his second substituted institution) wished to assert, in letters addressed to the Administration of the pious work dated 1906,

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"the right to participate in the aforementioned benefits, for the benefit of the poor of his parish." However, this petition was rejected, and the same pastor persisted with new allegations before the same Administration of the pious work, concluding "that he was requesting to be named a full member of the Administrative Commission of said pious work, in order to protect every right of his for the benefit of the poor of his parish." But by a deliberative act of September 24, 1914, the Administration of the pious work maintained its previous decision of denial; against which the pastor, on March 8, 1915, filed an appeal to this Holy Congregation, requesting that it be declared: "1) Whether he, who is the pastor of the Most Holy Annunciation, a suburb of the same name as Pontremoli, has the right to be part of the Administrative Commission of the pious work. "2) Whether the poor of his parish have the right to participate in the benefits of said pious work." These points were presented in favor of the pastor who appealed. To support his first petition, the appealing pastor pointed out that the parish of the Most Holy Annunciation, which is located barely a thousand paces from the walls of the city of Pontremoli, and indeed, the first houses outside of Pontremoli are located five hundred paces away, is truly and properly a suburb of that city, with which it has always had all things in common, as attested by the writings of historians, both ancient and modern, as well as by acts and documents, both ecclesiastical and municipal, which recently included the school of this parish among the urban ones. With this established, the appealing pastor argues that, according to the principle that the accessory follows the nature of the principal, the pastor of this parish should be considered an urban pastor, and therefore, he has the right to be included in the administrative council of the pious work, which, according to the will of the testator of the pious work, should be composed "of urban pastors, presided over by the Bishop." This very argument, namely that the parish of the Most Holy Annunciation...

SYNOPSIS DISCEPTATIONIS. - I.

[*Latin ed. p. 237*]

The Congregation of Council 237, being a true suburb of the city, should enjoy the same rights as other urban parishes, and it has been demonstrated that the poor of that parish, whether discharged from the hospital or, when suffering in the depths of poverty, ailing in their homes, are entitled to participate in the revenues of the pious work, as designated by the testator; and this even if the other parishes of the municipality of Apuana, and also those of Mignegno and Dozzano, which are explicitly mentioned at times in the will, should be excluded from this participation; for this particular reason does not apply to them. Moreover, stronger arguments seem to support the second petition of the parish, in which the entire matter of contention, indeed the entire issue, lies. For it must be presumed that the testator al-

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ways intended the same thing, unless positive evidence demonstrates the contrary. Indeed, no positive reason appears to demonstrate that the testator, who established the second institution in favor of the parishes of the Most Holy Annunciation, Mignegno, and Dozzano, intended to exclude those same parishes in the third institution. Furthermore, there is a general reason that applies to the parish of the Most Holy Annunciation, derived from the third institution itself when considered in isolation. For, according to the words of the founder, this third institution is intended to benefit the poor who are convalescing, who have been discharged from the Apuana hospital after at least six days of illness, and the poorest who are ailing outside the hospital. These words, when nothing is stated to modify or restrict their meaning, should undoubtedly be understood in the most obvious sense: they should refer to all the parishes of the municipality of Apuana, whose poor have the right to be cared for free of charge in the Apuana hospital, and therefore also to the parish of the Most Holy Annunciation. Just as the first institution, namely, regarding the books to be distributed as prizes to the students of the seminary who, having completed their studies, had left the Apuana seminary, undoubtedly was not restricted to clerical citizens but applied to all diocesan clergy who had the right to study in the seminary; so too, it should be understood that the third institution similarly benefits the poor who, while convalescing, are discharged from the Apuana hospital. It cannot be objected, given this interpretation, that the benefit established by the testator would become void, as being too restricted. Indeed, in reality, not many would benefit from this benefit – since the municipality of Apuana does not have a large population (today approximately 15,000, and at the time of the testator, the number was much smaller) – and more conditions are required to be able to benefit from the disbursements of the pious work; but the annual revenue of the same work amounts to a very considerable sum, which, according to the Bishop, allows for such an extension! However, nothing prevents the same Bishop, to whom, above all...

[*Latin ed. p. 238*]

238 Acta Apostolicae Sedis - The official commentary suggests that the testator intended to provide assistance, not to everyone, but only to those who are most in need. On the contrary, given the limitation imposed by the administrative council, which is restricted to the poor of Ciudad Rodrigo, while the annual income provides a much greater capacity, we must certainly consider it incongruous with the testator's intention: namely, to favor only a very few individuals, to whom, in their favor, income would be allocated far exceeding their true needs. However, "in interpreting the law, the outward form of the words should not be considered so much as the mind and intention of the legislator, and the dispositions should be examined comprehensively, not partially" (1.17 and 24, D. de legatis).

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Furthermore, even if we admit the probability of both interpretations, the more benevolent and reasonable one should be preferred. "When in a will something is written ambiguously or even obscurely, it should be interpreted benignly, and it should be believed that it was thought of according to what is credible" (Marcellus, 1. 24, D. de reb. dub. 34, 5). II. The following arguments are presented by five parish priests of Ciudad Rodrigo against the appellant. Regarding the first claim, in which the appellant asserts his right to participate in the administrative council of the pious work, the parish priests oppose this with the very words of the testator, who explicitly stated for his institution, "an administration composed of the parish priests of Ciudad Rodrigo." It is not valid to consider the parish of the Most Holy Annunciation as an accessory to the city, since it is a suburb of the same, and therefore the parish priest of the Most Holy Annunciation can also be considered as a parish priest of the city. Indeed, from the very words of the appellant, that parish is located at least a thousand paces from the city of Apuana, and the first houses of the parish are only five hundred paces from the last houses of the city: therefore, this parish is not contiguous to the territory of the city, and therefore it cannot be called a suburb. Furthermore, they add, the parish priest of the Most Holy Annunciation has never participated in the urban consortium of parish priests, which, from its oldest foundation, consists of the parish priests of the city. Finally, they observe that, even if the aforementioned parish were in fact a suburb of the city of Apuana, it should nevertheless be distinguished from the parishes of the city of Apuana proper, and this is due to the testator's quite clear disposition. For, in the second institution, in which he established prizes for young people who studied Christian doctrine, he explicitly distinguished the parishes of the city from the parish of the Most Holy Annunciation: "I replace - he says - a distribution of prizes with one for that youth 'of the parishes of Pontremoli, the Most Holy Annunciation, Mignegno, and Dozano'." Therefore, the rectors of these three parishes are not included in the designation "parishes of Pontremoli," and therefore neither in that of "parish priests of

[*Latin ed. p. 239*]

The Holy Congregation of Councils, Decree 239, "Cities," which stipulate that only an administrative council should be formed, based on the explicit will of the testator. Regarding the right of the parish priest to participate in the revenues of the pious work for the benefit of the poor of his parish, the parish priests of the city argue as follows. Firstly, they assert that the testator's intention was to favor the city of Apuana; they deduce this not only from the prior disposition, which stipulates that all and every institution of the pious work, namely its administration, is entrusted solely to the parish priests of the city; but also from the overall context of the other institutions subsequently established, namely, the seminary, or the

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cathedral of Apuana, or the churches of the city. Furthermore, they point out that in the second institution, which, because it involves more specific and detailed expenses, might have been extended further than the others, this greater extension was explicitly stated, as an exception; namely, in addition to the city, the parishes of Santa Annunciation, Mignegno, and Dozzano are also designated. However, an exception confirms the rule in the opposite direction; therefore, where there is no designation of a greater extension, the common provision should be applied, or in this case, the benefit should be limited solely to the city; which, in other words, means that we must follow the well-known principle: "the testator said what he wanted, and what he did not say, he did not want." But the extension claimed by those who advocate for it would be incongruous, because, according to the testator's intention, with the same revenue, there would be far more cases requiring a greater expense, as is certainly the case in providing assistance to poor convalescent or extremely poor sick people at home, than there would be cases requiring much smaller expenses, namely, in awarding prizes for the Christian instruction of children, a generosity which the testator explicitly wished to limit to only four locations within the same municipality. But besides these aids to interpretation, a more weighty argument emerges from the very words of the testator, who, in the third institution to be considered, after stating that it is intended "for the poor who are convalescing... or the extremely poor who are sick outside the hospital," immediately adds: "The parish priests will inform the Bishop; but they must take care not to issue written certificates to those requesting them, so as not to have to certify that they are forced [to apply] or to attract hostility." Moreover, it appears that those who are mentioned here, "the parish priests," are precisely the same who, as we have said, are designated in the prior disposition, in all and every institution, namely, the five parish priests of the city, who, together with the Bishop, form the administrative council. But these parish priests are also responsible for reporting on their subordinates (and only on them, to avoid envy).

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis - (which may inspire either fear or hatred), concerning those who are within the city, and not those who are from elsewhere, who are present and dispersed in the 24 other parishes of the municipality of Apuana; therefore, according to the testator's intention, which is quite clear, this pious disposition is extended only to these, or to the poor citizens of Ciudad Rodrigo. This argument, therefore, seems to have been presented so forcefully that it appears to find no other escape than in the alleged right to have a share in the very administrative Council; in which claim, however, it clashes with the testator's explicit will. But let us grant that all these arguments do not reach certainty, and therefore the testator's will still remains doubtful. All doubt is completely dispelled

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by the subsequent, peaceful observance of the will. Indeed, as the Sacred Roman Rota has declared on many occasions: "Observance declares the words of the testator, to the extent that they were doubtful" (Recanaten., Manutentionis, before Cerro, dec. 120, n. 8, vol. IX, p. 1, rec.). "From the observance that follows, the testator's intention remains sufficiently understood" (Aquilana, lurispatr., before Meltio, dec. 374 n. 21; vol. XI, rec.). "Observance must be given great weight in interpreting the testator's will; and this is especially true when the same observance has been followed by the same person who claims the inheritance" (Ariminen., Secundogeniturae, before Bichio, dec. 337 n. 44, vol. XI, rec.), etc. However, in this case, it is so clearly established that there has been such observance, that not even one contrary case, from the year 1867 to the present day, has been able to be alleged: for from the beginning, the administrative Council has put into practice a restrictive interpretation of it, and indeed, in the organic statutes and in the rules for the internal discipline of the pious work, founded in the year 1867, it has established this as a foundation; neither the testamentary executors, one of whom was also the parish priest of the Most Holy Annunciation, nor other priests, nor the Bishop, nor those who should have known the testator's intentions, or who had an interest in the matter, have in any way challenged this restrictive practice. And this the appellant is forced to admit, although he argues that it must be proven that the testator revealed his intentions to the testamentary executors while he was still alive; whereas, as for the other priests or those who had an interest, they may have been ignorant of the will; but these objections seem futile, because, given such a long period of observance and possession of the right concerning the citizens of Apuana, any presumption that is more favorable to them must be adopted; and finally, in practice, at least, it should be followed that it is extremely dangerous to introduce such a serious innovation into a matter that is already established. RESOLUTION. With these arguments presented by both sides, in the plenary meetings of the Most Reverend Fathers, held on January 27th...

[*Latin ed. p. 241*]

The Most Holy Congregation of the Council, on the 24th of the month of January, in the year 1917, in the Apostolic Palace at the Vatican, considered the following questions, formulated in this manner: "I. Does the parish priest, for the time being, of the parish of the Most Holy Annunciation, in the diocese of Apuana, have the right to nominate a member of the administrative council of the pious work? II. In what manner, and to what extent, can the poor, convalescing members of the aforementioned parish, who, after an illness of at least six days, have been discharged from the hospital in Apuana, enjoy the benefits of the pious work? And, in order that an affirmative answer may be given: III. In what manner, and to what extent, can even the poorest, and also the sick, who are outside of the hospital, and

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who belong to the aforementioned parish, enjoy the same benefits?"

The Most Holy Congregation judged that an answer should be given as follows: "To I: Negatively. To II and III: Considering all things, nothing is to be changed."

A report was made regarding the foregoing to His Most Holy Lordship, Pope Benedict, by the grace of God, the Fifteenth, in an audience granted to the undersigned Secretary, on the 28th day of the same month and year; and His Holiness deigned to approve the resolutions of the Fathers in all respects.

I. MORI, Secretary.

MOST HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH. APPOINTMENTS.

By Apostolic Briefs, the following were appointed:

February 15, 1917. – Apostolic Vicar of Alascha, in North America, Reverend Father Raphael Crimont, of the Society of Jesus.

March 13, 1917. – Apostolic Vicar of Hunan Septentrionalis, Reverend Father Angelus Didacus Carbajal, of the Order of the Hermits of Saint Augustine.

ACTA, vol. X, p. 5. – 1-5-1917.

[*Latin ed. p. 242*]

Acta Apostolicae Sedis - Official Commentary

ACTS OF THE ROMAN ROTA, CENTRALRIBUNAL

ON NULLITY OF MARRIAGE (Ton-Kin)

Under the blessed reign of Pope Benedict XV, in the second year of his pontificate, on the 27th of June, in the year 1916, the Most Reverend Fathers, Seraphinus Many, Ponens, Ioannes Prior, and Aloysius Sincero, Auditors at Tournon, in the case of Ton-Kin Centralis – Nullity of Marriage, between Iosephus Nghinh, the plaintiff, represented by his official advocate, the Reverend Orestes Negri, and Dominicus Tai, the defendant, with the Reverend Henrico Quattrocolo, Substitute Defender of the Bond, acting officially, rendered the following final judgment.

Dominicus Tai, while attending the house of Dominicus Dong Sì, in the parish of Luat Trung, in the Vicariate Apostolic of Ton-Kin Centralis, requested the hand in marriage of Mariam Vang, the daughter of the aforementioned prefect, who was eighteen years of age. This young woman, who was already of somewhat delicate health, shortly thereafter fell ill and became mentally deranged; but, with the hope of freeing her from her illness through marriage, the marriage was contracted in approximately the

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year 1895, in the private chapel of the prefect's house, before two witnesses and the priest Dô, who is now deceased. After the marriage, Mariam Vang's mental derangement increased daily; nevertheless, Dominicus Tai did not concern himself with the legitimacy of his marriage; but, in the year 1912, a certain Iosephus Nghinh, who held the position of a clerk in the same parish, moved by compassion, as he himself stated, for the unfortunate man, and also encouraged by the Missionaries, accused the validity of the marriage on the grounds of the woman's mental derangement before the Most Reverend Vicariate Apostolic of Ton-Kin Centralis.

After a canonical process diligently conducted by a delegated judge, the Vicariate Apostolic, having received the proceedings, and without rendering a judgment, forwarded them to this Holy Tribunal, requesting that, after obtaining a Pontifical commission, the case be examined and decided for the first time by the Holy Rota.

[*Latin ed. p. 243*]

The Roman Rota, number 243. Truly, on July 2nd of the year 1914, a Pontifical Commission in the Holy Office received the customary question concerning a marriage: Whether a marriage is null in this case. Before discussing the merits of the matter, certain Prelates declared that it was necessary to first establish the validity of the process completed in the Vicariate Apostolic of Tonkin Central. For, at first glance, since Dominicus Tai not only does not request a declaration of the nullity of his marriage, but even opposes such a declaration, and since, on the other hand, Iosephus Nghinh is a stranger to both families, that is, to the husband and the wife, and it is of no concern to him whether the marriage is valid or not, he appears to be a person who should be dismissed from the very beginning of the proceedings. However, it must be noted that the right to accuse a marriage of being invalid is reserved to the spouses, or even belongs to any person, according to the nature of impediments. Indeed, from the chapter concerning impediments, about which certain knowledge can only be obtained from the spouses, or which either spouse, or at least one spouse, can remove by himself, the right to accuse the marriage of being invalid is reserved to both spouses, or to one of them; for example, if the matter concerns impediments of error, fear, or an unfulfilled condition, etc.; for such impediments can be removed by the consent of the spouses, once the error is known, the fear has ceased, or the condition has been rejected (if they are public, with the necessary precautions according to the law of Trent, now the decree *Ne temere*). But from the chapter concerning impediments which the spouses cannot remove by themselves, such as impediments of consanguinity, affinity, affinity, crime, solemn vow, sacred order, etc., all, whether strangers or relatives, are admitted to accuse the marriage. The reason for this is derived from the public good of the Church, as well as the private good of the spouses, namely, so that irreverence towards the

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sacrament may be removed, so that the most noble ends of the Church in establishing these impediments may be preserved, and so that condemned dealings and scandals may be avoided. Therefore, the accusation of a marriage, concerning these impediments, is rightly considered among those popular actions, which, according to Roman law, belong to any person. Only those who are suspected, or who presume to accuse a marriage for gain, are excluded from this action, as stated in chapter 5, "Who may accuse a marriage"; or those who, after having publicly announced the intended marriage in the church, have not revealed a known impediment, as stated in chapter 6, under the same title. And this is the common doctrine, on which one may consult the Instruction of the Holy Office, of June 20, 1883, § 1 (*Collectanea S. C. de Propaganda Fide*, nos. 1587, 1588, title II, pp. 172 and following); Reiffenstuel, Schmalzgrueber, and other canonists, in the title "Who may accuse a marriage"; the Austrian Instruction, § 115 and following; and Emus Gasparri, *De matrimonio*, edition of 1904.

[*Latin ed. p. 244*]

Acta Apostolicae Sedis - Commentarium Officiale, n. 1477 et sequentes; Emus Lega, De Iudiciis, vol. IV, editio 1901, nn. 424, 450, 451, 454, 455; Wernz, Ius decretalium, vol. IV, editio 1904, n. 743, II; Sebastianeiii, De rebus, n. 172. Furthermore, the impediment of which we are speaking in the present case, namely that arising from lunacy, is of such a nature that the spouses themselves cannot remove it; for it concerns the very matrimonial consent, which cannot be given by one who is insane, and which no one, not even the Church, can supply; moreover, certain knowledge of this impediment can be had even by outsiders, especially in the present case, in which the lunacy was public. Furthermore, the accuser of the marriage, Iosephus Nghinh, is by no means suspected; for, as it appears from the process, which was completed in the first months of the year 1915, at the mandate of the Sacred Roman Rota, Iosephus was not induced to accuse the marriage by Dominico Tai, nor by the parents of Maria; but, moved by pity for the unfortunate spouses, he warned the Mission Fathers about it, who, as he himself said, advised him, as a principal guardian of their Christianity, to accuse the marriage: which he did, by offering a signed document of accusation. Nor did he ever hope for any advantage from his actions by the families concerned, as he declared in his first interrogation, at the third question. Thus, with the validity of the process safely established, we can proceed to discuss the question of its merit. As far as the law is concerned: In law, as is known, marriage is made by consent, not by cohabitation; and it is certain that consent, required for the validity of marriage, must arise from a sane mind and a free will. It is written in chapter 24 of the De sponsalibus et matrimoniis: "Since she cannot live with the very man who is constantly afflicted with madness, and because of the alienation of his mind, legitimate consent cannot intervene, we command that, if you know

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that this is the case, you take care to separate the aforementioned persons from each other"; hence the summary of the chapter: "A madman cannot contract marriage." What is said about the mad is extended by all doctors to those who suffer from quiet or tranquil insanity; for lunacy is a genus that includes at least two species, namely, alienation of the mind, as is read in the aforementioned chapter, and quiet insanity; in both cases, the mind is not sane, and therefore legitimate or legal consent cannot arise from it. Therefore, if it is established that one of the spouses expressed matrimonial consent while in a state of lunacy, judgment must be rendered that the marriage is null, and the spouses must be separated from each other, as is stated in the aforementioned chapter.

[*Latin ed. p. 245*]

Regarding the facts: It is established that Mary Vang was not of sound mind before and after the marriage, and also during the intervening period, that is, at the very time of the marriage, and therefore could not have given valid consent to the marriage. Let us hear what is said concerning the time before the marriage. Dominic Dong Si, the father of Mary Vang, who recounts these things in his testimony, states at 6 and 7: "Before Mary Vang was to be married, she was of sound mind; but after she was to be married, less than a year had passed, when she fell into a state of dementia... When she was afflicted with a fever, she later fell into a state of dementia... I saw her very weak; she did not recognize anyone, not even her own parents... And after two months had passed, I saw her illness abate. At that time, the Lords Tuam Nho (that is, the parents of Dominic Tai) said to me: 'We ask that Lady Vang marry Dominic Tai; afterwards, perhaps, she will be cured of her illness with medicine.' Therefore, considering their words, I consented to Mary Vang entering into marriage... From the time her illness abated until the marriage took place, approximately seven months passed; and although her illness had abated, she was still demented; she spoke less, but when she did speak, she spoke in a mad and completely disordered manner; whatever came into her mind, she would utter. She also laughed and wept without cause; she also destroyed furniture and struck others, although not frequently, as before; finally, she sang and recited prayers at any time, but not so frequently... I remember that at that time, the Lords Tuam Nho came here perhaps three or four times... Each time the Lords entered the room of Mary Vang to see her, she said nothing, but only laughed. Each time the Lords entered the room of Mary Vang, I entered with them." At the same time, that is, before the marriage, the witness Anna Oanh, Mary's cousin and friend, who was constantly with her, states at 6: "When Mary Vang was to be married, and throughout the first year, she was of sound mind; in the following year, she was afflicted with the disease of dementia. Regarding her words, she spoke both sane and insane words; sometimes, while sitting, she would begin to run about, uttering the name of Jesus

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in a loud voice. Often, she would strike others, and those who served her, without any cause; I remember that she struck her parents about five times, but others restrained her from striking them. Once, she asked her mother, Lady Dong Si, to destroy a stack of bowls, and afterwards, after seizing her, she struck her. She also struck me, but, when

[*Latin ed. p. 246*]

246 Acto, Apostolicae Sedis - Commentarium Officiale: "She would behave in such a way that she would cease to be killed. At that time, every day, 'as night approached, she would sit in bed, light a candle, and, pulling out her hair, she would bring it close to the candle and eat the roots; she would continuously perform this action until the ninth hour of the night; at that hour she would go to bed.' Her servants had to constantly watch over her, lest she run away. One night, she ran to the edge of a bamboo fence near Kampen, and sat there; when the servants found her, she said: "A certain cohort of soldiers came to seize me; but the holy Angel protected me, and they were unable to seize me." The servants had to watch over her throughout the entire night. Therefore, as is evident, this concerns true and proper madness. Furthermore, these or similar actions, at the same time, that is, before the marriage, were reported by twelve witnesses; for four of the witnesses questioned, know nothing about this, or only know it by hearsay. Furthermore, the aforementioned twelve witnesses are fully informed about the matter; they are the father and mother of Maria Vang, the mother of the groom, Dominic Tai, a certain niece of the same Maria, several close companions and friends who were familiar with Maria, three or four servants, and one male servant, who, by virtue of serving her, knew everything that pertained to the girl Maria Vang. Moreover, these witnesses are all of mature age; the missionaries, who are responsible for the spiritual care of the districts to which these witnesses belong, commend and praise the honesty, integrity, and truthfulness of the witnesses; regarding them, the Reverend Father Moreno, the delegated judge, spoke to the Most Reverend Apostolic Vicar in this way: "The plaintiff, Joseph Trum Nghinh, and all the witnesses, whether examined at the request of the plaintiff, or ex officio, appeared to me to be most worthy of belief; for, struck by the sacrament of religion, they weighed every word in their testimonies, and did not dare to assert what they were not certain of; and what they did not know, they said they did not know, and some of them protested that they were unwilling to reveal their conscience under oath." Only one person denied that Maria Vang had been mad before the marriage, namely, the groom himself, Dominic Tai. However, his testimony, with regard to this fact, does not deserve any credence whatsoever; for before giving his testimony, he absolutely refused to swear an oath; and when, after giving his testimony, the judge asked him why he had refused to swear, he replied: "This morning, I did not want to swear an oath, because, considering an

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oath to be a very serious matter, I feared that I might perhaps say something false while testifying." And when the judge insisted, saying that if anything false should occur during the testimony, it would not be imputed to the witness's fault, he replied: "I did not take the oath, because I do not want the process in this case to succeed."

[*Latin ed. p. 247*]

The Roman Rota has been disturbed; for I believe that the Dominici are worthy of being considered my parents; therefore, I cannot tolerate this, lest I be forced to neglect my filial duties towards them." Thus, the reason why Dominicus Tai denied that Mariam Vang had loved him before the marriage is because such a declaration is entirely contrary to the nullity of this marriage. Furthermore, the aforementioned Dominicus Tai did not condemn the aforementioned witnesses, nor did he propose any exception against any of them, as it is clear from the aforementioned record, which was made in 1915 by order of this Holy Tribunal. Indeed, Dominicus Tai, duly summoned and appearing before the Apostolic Vicar in Ulm, answered the questions as follows: To question 1: "Whether he wished and was able to present evidence in favor of his marriage," he replied: "I have no evidence in favor of my marriage." To question 11 (after reciting the names of the witnesses): "Whether he could present any exception against them or any of them," he replied: "I am not able to present any exception whatsoever against them, or any of them." Therefore, it is entirely clear that Mariam Vang had loved Dominicus Tai before the marriage. As for the period after the marriage, it is also clear from the records that Mariam Vang was still loving. Regarding this period of time, Anna Dong Sì, the mother of Mariam, testified as follows, at point 9: "After the marriage, Mariam's illness became more serious; for the first five months, she would either laugh or cry, but rarely did either. She often spoke nonsensical words; while saying one phrase, she would immediately move on to another, without finishing the first; she would repeatedly say the same appropriate word. Sometimes she would recite prayers alone, and when she had not yet finished one prayer, she would begin to recite another. Very rarely would she sing a verse, which she remembered. Repeatedly, while sitting, she would suddenly begin to run; at that time, I instructed the servants to constantly watch over her... After those five months, Mariam Vang's illness became more serious day by day: she often destroyed furniture; she often struck the servants who were serving her; she tore her clothes; once, she chased after me and hit me; twice, she attempted to kill me, but others held her back so that she could not kill me; sometimes, she also attempted to kill Dominicus Tai, but because others were holding her, she could not kill him. When a doctor was called, she struck him; she also struck Dominicus Tai: this happened twice. Repeatedly, at night, while she was in bed, she would go out to the porch of the house for a moment; but after using persuasion,

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she would return to her room. For five years now, her head must be shaved; for we do not dare to allow her to keep her hair, because, while she is sitting, she pulls at it, and the roots of her hair become loose." The things mentioned above concerning the first five

[*Latin ed. p. 248*]

248 Acta Apostolicae Sedis - Commentarium Officiale "which I have reported, continuously, up to the present time, are happening." And thus, more or less, other witnesses; so that sixteen witnesses, all of mature age, testify unanimously about the madness of Maria after marriage; even Dominic Tai, Maria's husband, who, as we have seen, denied Maria's madness before marriage, now confesses that his wife was mad after marriage. And this madness of Maria never ceased; many doctors, about fifteen in number, Chinese, Europeans, called by her father, were summoned to treat her; but they all abandoned her as incurable; moreover, Maria was taken to hospitals, at least twice, in vain; also in vain did her parents take her to pious sanctuaries, to implore health from God and the Saints. And she remains in the same state up to the present time, as is evident from the aforementioned process completed by order of the Sacred Roman Rota. Now, therefore, the question arises as to whether Maria, who was mad before and after marriage, was also mad during the intervening time, that is, at the very time of the marriage. In this matter, it must first be said that, when madness has been proven before and after marriage, it is presumed to have existed during the intervening time; this was taught by Sánchez, *De Matrimonio*, book I, chapter 8, number 17, and is generally accepted; hence Pallottini says, *Collection of Resolutions of the Sacred Congregation*, volume on Marriage, § III, number 9: "If witnesses testify about a woman's madness before and after marriage, madness is presumed to have existed equally during the time of the marriage." And the reason for this is that which Sánchez gives in the aforementioned passage, namely: "Because the disease of madness is, by its very nature, perpetual, incurable, and hopeless, it is presumed to last at all times, and those clear intervals are by accident, and therefore are not presumed." This is all the more to be affirmed when the madness did not arise by accident, but was almost contracted from birth, as is the case with Maria Yang; for her mother, Anne Dong Si, confesses, in her examination, at 11, that among her relatives, five have been mad; this is also reported by several other witnesses. Therefore, Maria Vang is presumed to have been mad at the very time of her marriage. But this presumption rises to the level of certainty if we consider the facts narrated by the witnesses, which refer to this time. Shortly before the marriage, which was celebrated, not solemnly, due to the bride's infirmity, a wedding feast was held. Concerning this feast, the witness Anna Oanh, a sister and cousin of Maria, says, at 9: "During the wedding feast celebration, Maria Vang remained behind the veil of the room, and although she was invited to come out, she

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refused; then I ate food with her; but she, after eating a little food, crushed and scattered the remaining food; and although I invited her to eat, she neither wanted to eat, nor did she utter any words." Many other witnesses also...

[*Latin ed. p. 249*]

Saint Boma Bota 349 witnesses, who testified about this ceremony as eyewitnesses, state that Mary Vang was not present, but remained hidden in her room. Regarding the marriage ceremony itself, Dominic Dong Si, Mary's father, testified as follows: "When the priest was already prepared to join Mary Vang in marriage, I urged her to approach the altar, and she did so, but only to a certain point. When the priest questioned her about her consent, she only laughed; then I heard the priest question her three or four times; and I do not know whether she answered 'Yes' or 'No'; for I did not hear her voice. When she approached the altar to enter into the marriage, she remained standing until the end of the Mass, and she did not bend her knees during the elevation of the Body and Blood of the Lord." Regarding this same point in time, Anne Dong Si, Mary's mother, testified as follows: "As the hour of the marriage ceremony approached, Mary Vang refused to approach the altar; it was necessary to urge her three times; and then she approached. When the priest was asking her for her consent, he questioned her twice; but she was laughing; but when he questioned her a third time, she answered: 'Yes'." Thus also, Rosa Hai Ban, Mary's friend, testified as follows: "When the priest joined Dominic Tai and Mary Vang in marriage, I was nearby; but when the priest asked Mary Vang: 'Do you consent to take Dominic Tai as your lawfully wedded husband according to the rite of the Holy Church?', she laughed. When she had returned to her previous place, I asked her: 'Why were you laughing?', and she replied: 'I laughed because he asked a foolish question'." And so, many other witnesses who were present at the sacred ceremony testified in this manner. Therefore, there is no doubt that Mary Vang was not in love at the time of the marriage ceremony. Furthermore, contrary to the custom and practices of the Annamites, the new bride was never taken to the house of her husband; this is what the witnesses unanimously report, and about which Dominic Dong Si, Mary's father, adds: "No one took Mary Vang to the house of her husband;... Dominic Tai and Mary Vang lived together for about two days or three days; after those days had passed, whenever she saw Dominic Tai, she hated him very much; and she often struck him and pursued him." Therefore, it has been proven by the facts that Mary Vang was not in love at the very time, indeed on the very day and moment of the marriage ceremony. Do not say, if Mary's lack of love was certain before the marriage, how could the parents of the bride and groom have proposed and accepted that marriage, nor how could the groom have been pleased with it, and the priest have blessed it? - The delegated judge,

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who conducted the proceedings with the utmost diligence, presented this very difficulty to several witnesses; and their unanimous response was as follows:

[*Latin ed. p. 250*]

250 Acta Apostolicae Sedis - Commentarium Officiale: The girl was considered to have a hope of recovery through medical treatment and the initiation of married life; this was also the opinion of the priest; concerning whom, the Lord Dong Sì said, in 3: "When the aforementioned priest saw that the illness of Maria Vang was gradually diminishing, and when I and the Lord Tuam Nho, through fervent prayers, requested him to bless her marriage, and we told him that Maria Vang, after receiving medical treatment, would be restored to health, therefore he blessed her marriage." As for the Lord Tai, the groom, in addition to this common hope (cf. the questioning of Anna Dong Sì, official questioning), he strongly desired this marriage, because the girl's family was wealthy and noble; hence, even today, despite the evident affection of his wife, he completely opposes any declaration of nullity of this marriage, as mentioned above. Do not say, in order to undermine the evidence derived from the testimonies of witnesses, that these witnesses are discordant on many points, and therefore do not deserve so much credibility. For it is true that the witnesses may not entirely agree on certain details, e.g., regarding the time when Maria was proposed as a bride, or regarding the year of the celebration of the marriage, or regarding certain details of this very celebration; but, with regard to the main facts, from which affection is proven, there is no discord among the witnesses, although not all witnesses recount the same facts, but some recount these facts, others recount different facts. Do not say that expertise was lacking in the proceedings, and therefore it is not possible to safely pronounce on the matter of affection, because when affection, dementia, madness, and other similar states of mind are true illnesses, they are more subject to the judgment of experts in the medical science. For although expertise is very useful in discovering the cause of affection, and in indicating its remedies, there are many common signs of insanity, known to all, which are sufficient to be recognized and judged, for which it is enough for one to have eyes and ears; such are the many signs noted in the present case, e.g., wanting to pull out and eat one's own hair, pursuing and killing neighbors, destroying furniture, laughing and speaking nonsense without reason, speaking in a disconnected manner, etc. Mascardus, in his most learned work De probationibus, cap. 502 (title 1, fol. 312), lists many of these signs of affection, but nowhere does he require expertise in order to correctly judge these signs; indeed, everywhere he assumes that it is sufficient for witnesses to have eyes and ears. Nor does any canon law require expertise in order to prove the impediment of affection. Furthermore, in the present case, expertise was not entirely lacking; although the

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doctors did not express their opinion about Maria's illness in their own words before the judge, but their words were reported by several witnesses. Thus, for example, the witness Dong Sì, Maria's father, after saying that many doctors had been called to treat the girl, added, in 10: "Each of those doctors said: 'It is a dementia that has arisen from the blood, which is difficult to cure.'"

[*Latin ed. p. 251*]

After considering and carefully examining all these matters, both in law and in fact, and having invoked the name of Christ, We, the undersigned Auditors of Turno, sitting for the Tribunal and having only God before our eyes, do hereby decide, declare, and definitively pronounce, judging in the first instance, that the marriage between Dominic Tai and Mary Vang is null, and thus We answer the proposed question affirmatively. So We pronounce, commanding the Ordinaries of the places and the ministers of the tribunals, to whom it pertains, to enforce this Our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session 25, concerning reforms, of the Council of Trent, employing the executive and coercive means that shall be most effective and appropriate for the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on the 27th of June, 1916. L. Çfa S. From the Chancery, on the 28th of July, 1916. Sac. T. Tani, Notary. Seraphinus Many, Recorder. Ioannes Prior. "Aloisius Sincero."

[*Latin ed. p. 252*]

Acts of the Apostolic See - Official Commentary. Sacred Congregation of Rites. Tuesday, April 24th, in the Vatican Apostolic Palace, the Ordinary Session of the Sacred Congregation of Rites was held, in which the following matters were presented to the judgment of the Eminent and Reverend Lords Cardinals who comprise the same, for their consideration:

• I. Introduction of the cause for beatification and canonization of the Servant of God, Andrew Filomeno Garcia Acosta, a lay oblate of the Order of Friars Minor.

• II. Concerning the revision of the writings of the Servant of God, Felix de Andreis, a priest of the Mission.

• III. Approval and granting of the Mass and proper Office in honor of the Saints, Martyrs Gavino, Proto, and Gennaro, the principal patrons of the archdiocese of Sassari, and the lesser patrons of the entire province of Sassari.

SACRED PENITENTIARY (SECTION OF INDULGENCES)

NOTICE OF COMPETITION

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A competition is open at the Sacred Tribunal of the Apostolic Penitentiary (Section of Indulgences) for the filling of a vacant office. The written examination will take place in the Secretariat of the Sacred Tribunal on May 24th of the present year, at 8 o'clock in the morning.

Priests who wish to participate must, no later than May 21st, present their application to the aforementioned Secretariat, accompanied by a certificate from their Ordinary, from which it appears that there is nothing to impede their admission to the examination, as well as any other qualifications that the candidates deem appropriate. It is to be noted, however, that those who have passed the age of 35 will not be admitted to the competition.

From the Secretariat of the Sacred Penitentiary, April 21, 1917.

Bernard Colombo, Regent.

[*Latin ed. p. 253*]

From the Roman Curia Diary, 253. SECRETARY OF STATE. By means of letters from the Secretary of State, the Holy Father has deigned to appoint: April 3, 1917. The Most Reverend Cardinal Ludovico Billot, Protector of the Congregation of the Fathers of Saint Edmund of Pontigny.

The Most Reverend Cardinal Giulio Tonti, Protector of the Congregation of the Patronage of Saint Joseph. April 20.

His Excellency, Monsignor Eugenio Pacelli, Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, Apostolic Nuncio to the Court of Bavaria, to whom the titular archbishopric of Sardi has been assigned. April 25.

His Excellency, Monsignor Giuseppe Palica, elected Archbishop titular of Philippi, Vicegerent in the Vicariate of Rome. April 26.

The Most Reverend Cardinal Andrea Ferrari, Archbishop of Milan, Member of the Holy Congregation of Rites. April 28.

His Excellency, Monsignor Rodolfo Caroli, Apostolic Delegate to the Republic of Bolivia, promoted to the archbishopric of Tyre.

By Apostolic Briefs, the Holy Father has deigned to appoint:

Assistants to the Papal Throne: March 14, 1917. His Excellency, Monsignor Pietro Briosehi, Archbishop of Cartagena in the Indies. April 14.

His Excellency, Monsignor Enrico Guglielmo Cleary, Bishop of Auckland.

Apostolic Protonotary, as if among those participating: March 23, 1917. His Excellency, Monsignor Luigi Guadagnine, of the diocese of Padua.

Domestic Prelates of His Holiness: March 22, 1917. His Excellency, Monsignor Enrico Tappert, of the diocese of Covington. April 2.

His Excellency, Monsignor Pio Papi, of Rome.

His Excellency, Monsignor Francesco Pascucci, of Rome.

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His Excellency, Monsignor Pio Mingoli, of Rome. April 15.

His Excellency, Monsignor Pasquale Loy, of the diocese of Ripatransone. April 17.

His Excellency, Monsignor Domenico Sci pioni, of the diocese of the Marsi. April 19.

His Excellency, Monsignor Giovanni Gómez Delgado, of the diocese of Osma. April 22.

His Excellency, Monsignor Alfonso Carinci, Rector of the illustrious College of Capranica.

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis - Official Commentary

HONORS

With Brief Apostolical letters, the Holy Father deigned to bestow the following honors:

The Insignia of the Order of Saint Gregory the Great, civil class: April 29, 1917. To Mr. Pio Folchi, of Rome.

The Cross of the Order of Saint Gregory the Great, civil class: March 15, 1917. To Mr. Count Giovanni Battista Venier, of the Patriarchate of Venice.

The Knighthood of the Order of Saint Gregory the Great, civil class: March 15, 1917. To Mr. Attorney Antonio Barbagelata, of the Archdiocese of Genoa.

April 12: To Mr. Paolo de Churruca y Dotres, formerly Secretary of the Spanish Embassy at the Holy See.

April 13: To Mr. Antonio Bònnike, of the diocese of Haarlem.

April 14: To Mr. Mario Edoardo Marietti, of the Archdiocese of Turin.

April 18: To Mr. Ugo Koenen, of the Archdiocese of Colonia.

The Cross of the Order, with Insignia: April 2, 1917. To Mr. Attorney Pier Umberto Giaj-Levra, of the Archdiocese of Turin.

The Knighthood of the Order of Saint Sylvester the Pope: March 29, 1917. To Mr. Attorney Enrico Santucci de Magistris, of the Archdiocese of Naples.

April 19: To Mr. Salvatore Donati, of Rome.

DOMESTIC OFFICE OF HIS HOLINESS

APPOINTMENTS

With letters from His Eminence, Monsignor Maggiordomo, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

November 21, 1914. Monsignor Antonio Kjuder, of the diocese of Trieste.

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Monsignor Mattia Dubrovic, of the same diocese.

[*Latin ed. p. 255*]

From the Roman Curial Diary, January 25, 1915. Monsignor Giovanni de Spens-Booden, of the archdiocese of Vienne. October 12, 1916. Monsignor Paolo Blaho, of the archdiocese of Strigonia. October 25, Monsignor Arnold Pataky, of the diocese of Granvaradino. January 19, 1917. Monsignor Ladislao Majer, of the diocese of Vacia. January 25, Monsignor Ladislao Klarik, of the same diocese. March 2, Monsignor Luigi Lombardi, of the archdiocese of Benevento. Monsignor Francesco Pazzini, of the diocese of Montefeltro. Monsignor Francesco Borgongini-Duca, Secretary of the Apostolic Penitentiary. Monsignor Francesco Roberti, of Rome. March 7, Monsignor Michele Jacchini, of Rome. March 7, Monsignor Tito Panetti, of Rome. March 7, Monsignor Giovanni Perrotta, of the diocese of Caiazzo. March 20, Monsignor Giuseppe Rossino, Substitute of the Holy Congregation for Seminaries and Universities. March 21, Monsignor Giuseppe Bauger, of the archdiocese of Porto Principe. March 21, Monsignor Giulio Pouplard, of the same archdiocese. March 21, Monsignor Tommaso S. O'Reilly, of the archdiocese of Brooklyn. March 21, Monsignor Valentino Valentini, of the diocese of Orvieto. March 21, Monsignor Giuseppe Crosatti. March 28, Monsignor Giovanni Amleto Cicognani. March 28, Monsignor Ottavio Marenghi. April, Monsignor Francesco Guglielmi. April, Monsignor Oreste Fraschetti. April, Monsignor Giuseppe Baldi. April, Monsignor Francesco Cuneo, of the diocese of Chiavari. April, Monsignor Giovanni Poli. April 14, Monsignor Antonio Sini, of the diocese of Ozieri. April 19, Extraordinary Knights of the Sword and Mantle of His Holiness: October 31, 1916. Mr. Carlo Terlinden, of the archdiocese of Malines. January 19, 1917. Mr. Baron Bernardo von Uchtritz, of the archdiocese of Vienne. March 2, Mr. Viscount Oliviero di Spoelberch, of the archdiocese of Malines. Honorary Knights in purple of His Holiness: November 30, 1914. Monsignor Adolfo Grosch, of the diocese of Neosolio. November 30, 1914. Monsignor Arnaldo Bobok, of the same diocese. November 30, 1914. Monsignor Antonio Kúgyelka, of the same diocese. October 25, 1916. Monsignor Ignazio Diera, of the diocese of Neutra.

[*Latin ed. p. 256*]

Acta Apostolicae Sedis - Official Commentary, January 19, 1917. Monsignor Aurelio Martin, of the diocese of Csanád. February 22nd: Monsignor Giovanni Castellani, of the archdiocese of Udine. March 2nd: Monsignor Giuseppe Lodolini, of the diocese of Montefeltro. March 23rd: Monsignor Edoardo Herrera Najera, of the archdiocese of Saragozza. Honorary Knights of the Order of the Sword and the Mantle, extraordinary: March 7, 1917. Mr. Pietro Tacconi, of Rome. Mr. Enrico Tuccari, of Rome. Honorary Prelate, extra Urbem: March 2, 1917. Monsignor Francesco

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Monti, of the archdiocese of Vercelli. NECROLOGY: February 23, 1917. Monsignor Vincenzo Çluczynski, titular Archbishop of Philippopolis. February 27th: Monsignor Giovanni Jung, titular Bishop of Rosalia. March 30th: Monsignor Angelo Struffolini, titular Archbishop of Philippi. April 12th: The Most Reverend Cardinal Francesco de Bettinger, Archbishop of Munich and Freising. April 13th: Monsignor Giuseppe Aversa, titular Archbishop of Sardi, Apostolic Nuncio to Bavaria. April 14th: Monsignor Giuseppe Alves de Mattos, titular Archbishop of Pessinonte. April 24th: Monsignor Giacomo Uberto Blenk, Archbishop of New Orleans, in Louisiana (United States of America).

[*Latin ed. p. 257*]

Year IX - Volume IX, June 1, 1917, No. 6. ACTA APOSTOLICAE SEDIS, Official Commentary. ACTA OF POPE BENEDICT XV. APOSTOLIC LETTERS. I. TO THE VENERABLE SERVANT OF GOD, ANNE, OF SAINT BARTHOLOMEW, A CARMELITE NUN, HONOR IS CONFERRED BY THE BLESSED. BENEDICT XV, POPE. For the perpetual memory of the matter. "That John saw in Mount Sion a company of virgins, 'following the Lamb wheresoever he goeth,' and heard the most sweet sound, 'singing a song which no man could learn,' clearly demonstrates how highly esteemed is inviolate virginity with God, namely, a way of life more consonant with the angelic nature than with human nature. Indeed, from the chosen company of prudent Virgins who came forth with a lamp filled with oil to meet the Bridegroom delaying, and who, having found and been found prepared by Him, were worthy to enter with Him to the marriage feast, the venerable Servant of God, Anne, of Saint Bartholomew, a professed nun of the Order of Discalced Carmelites, disciple and companion of Saint Teresa, may rightly be called. Just as a new Elijah appeared in the Reformation of the Carmelite Order, namely, Teresa, who restored the ancient Order founded by the Holy Prophet on Mount Carmel to its pristine discipline, so a new Elisha has been seen in Anne, who, retaining the spirit of the holy and law-giving Mother within her own bosom, completed the works begun by Teresa, amplified them, and accomplished wonders in her life. She was born on the Kalends of October in the year 1549, in the region where Saint Teresa was born, namely, within the boundaries of the Diocese of Ávila in Spain, in the town called "de Armendral," near the city of Bäldens, of pious parents, Ferdinand Garzia and Maria Mancanas: and in ACTA, volume IX, no. 6. — 1-6-1917. 17.

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis - In the official commentary of that diocese, the name of Anne was given to the girl who was cleansed with the lustral waters. While the rite was being celebrated, it is said that a brilliant light shone above the baptismal font, like a star, so that those present might

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know that the little girl had "been born into the world for the salvation of others." Having been raised piously by her parents, from her earliest years she flourished in piety and in the innocence of her life. This excellent girl was accustomed to devote herself to silence and solitude rather than to childish games. Engaged in contemplation of heavenly things, she was inflamed with love for God, and she was merciful towards the poor, diligently attending to the works of charity, and providing for their needs with food taken from the table. At the age of ten, she was orphaned by the death of both her parents, and she went to live with her brothers, who entrusted her with the care of the sheep. She humbly accepted this task, and while she grazed the flock, she found new delights in the fields. The sweet songs of the birds stirred the girl's mind to remember the Creator, and she was often transported into ecstasy, and she was refreshed by the presence of Jesus Christ, appearing to her as a little child lying in her arms. Then, moved by the spirit of her inner life, she desired to withdraw to a convent of virgins, and, refusing the marriages that her brothers proposed to her, and bravely overcoming all obstacles, she dedicated herself to religion in the Monastery of the Discalced Carmelites, which had been recently founded in that place, to which she had been divinely called by a supernatural vision. Having been received among the lay sisters of that Order, which observes the strictest rule, she so quickly strove for the perfection of religious life, that, despite her reluctance, she was deemed worthy to receive the black veil, because of the virtues by which she excelled. Indeed, a remarkable humility shone in her, as well as a singular eagerness to obey, and patience in enduring all hardships, the most meticulous observance of even the smallest rules, and a constant study of prayer, to which she devoted day and night, often losing herself in the presence of God, and being abundantly filled with the gifts of divine grace. The lily of purity, which she had dedicated to God from her earliest years, she preserved, and she restrained her innocent body with fasts, scourges, horsehair, and other exquisite torments. The Venerable Mother Teresa, the director of the Carmelite family, admired the brilliant splendor of these virtues in the venerable Anne, and considered her a companion in her labors, of whom God had already forewarned her in a revelation. Therefore, the Venerable Servant of God, Saint Teresa, took her to her side, and wanted her to be a lay sister in her family, and a most beloved companion, and she used her valuable help and prudent counsel in founding new convents, and in the administration of the religious family. The Divine Foundress entrusted her with the most difficult and secret affairs of the nascent Order, which she accomplished with such clarity, as if inspired by the Holy Spirit.

[*Latin ed. p. 259*]

The acts of Pope Benedict XV, page 259, state that the Church, the most discerning judge of true sanctity, has never hesitated to affirm that in her-

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self she possesses the appearance of holiness, and in her sister Anne, a sisterhood of holiness. For many years, a pious and diligent companion assisted the Foundress in promoting and strengthening the Carmelite Institute, and, conformed to the example of the Mistress in her endeavors for perfection and holiness, she attained her spirit. When the Holy Mother Teresa reached the end of her life, she fell asleep in the Lord in the arms of her beloved daughter, and from that day on, the venerable Anne's arms, as if in memory of those virtues, exuded a wondrous fragrance. The venerable servant of God outlived the law-giving Mother by forty years and completed and increased the great work begun by Teresa with eager zeal and a courageous spirit. She promoted the Carmelites family in France and Belgium, founding four flourishing monasteries of her Order: in Paris, Pontigny, and Tours; and in Belgium, in Antwerp, where she concluded a life of labor. In these foundations, she displayed examples of unwavering constancy and Christian fortitude. She did not shrink from any labor, nor did she yield to any idleness. No difficult journeys, no threats from heretics, no calumnies, no vexations, deterred the venerable servant of God from pursuing the purpose of promoting her religion. Confident in the hope of heaven, this weak woman, almost ignorant of letters, undertook all things, however arduous, and successfully brought her endeavors to a blessed conclusion. As abbess of the monasteries she had founded, she was a vigilant prelate, and she showed the nuns, by the integrity of her life, a safe path to Christian perfection. As the prophet says, "Like a dove that builds her nest in the highest part of the window." She excelled not only in theological but also in moral virtues, and she religiously observed not only the precepts of God and the Church, but also the evangelical counsels. For, as Gregory says, "The Holy Spirit, by the greater light with which it illuminates the hearts, enriches them with a more abundant gift of humility." Thus, she adorned all her virtues with a singular excellence of humility. Therefore, she flourished even more in the opinion of holiness, being distinguished by heavenly visions, and also by prophecy, knowledge, and tongues, by the revelation of secret things, and by the discernment of hearts, with supernatural gifts. Her reputation for prudence was so great that people of all orders and conditions would seek her counsel in important matters, including most serene princes and distinguished prelates, among whom it is pleasing to remember the Infant of Spain, the Magnates of Palatine Poland, Cardinal Borgia of the Holy Roman Church, the governor of the fortress of Antwerp, the Bishop of Segovia, and even the most Christian Queen of France. Finally, the days

[*Latin ed. p. 260*]

Acts of the Apostolic See – An official record, though not entirely full of good works, Antwerp, on the 7th of June, in the year 1826, peacefully departed this life to receive the heavenly reward. She was buried with a

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funeral procession most like a triumph, with countless faithful gathering to view her sacred remains. For truly, "the just shall be in everlasting remembrance," and while her body rests in the tomb, the fame of her virtues has transcended the ages. Therefore, scarcely a year had passed since the precious death of Sister Anne of Saint Bartholomew, and at this very Apostolic See, the cause of this handmaid of God, as was the custom of that time, had already begun its proceedings. Indeed, she had received from the Most Blessed Urban VIII, Our Predecessor, who is called the "Signatura Commissionis" for the introduction of the cause, a brief adorned with a process of Apostolic authority, and had already reached the point where a proper inquiry into the heroic nature of her virtues was to be instituted. But, due to events that intervened, the new constitution regarding the process of canonization of the Servants of God caused this cause, which had begun so quickly, to suffer long delays; and only in the year 1835 did Pope Clement XII, Our Predecessor, solemnly decree that the virtues with which the handmaid of God had shone had reached the heroic level. These things having been proven, almost a century of silence followed in this cause; but We deemed it necessary to break this silence. Indeed, We decreed, by a decree given on the 5th of March of the current year, that two dispensations, which were already available, should be granted, so that this most worthy cause would no longer be subjected to such a long delay, and that it would truly and properly be advanced by a miracle. From this point on, the only thing remaining to be discussed was, now that judgment had been rendered regarding the virtues and the double miracle, whether the Cardinals of the Sacred Rites should be consulted as to whether they believed that the venerable Servant of God could safely be enrolled among the Blessed in Heaven. This was accomplished by the Most Reverend Brother Anthony, of the Holy Roman Empire, Priest, Cardinal Vico, Bishop of Porto and Santa Rufina, Relator of the Cause, who, in the general meetings held before Us in the Vatican buildings on the 3rd of March of the current year, and with all the Cardinals presiding over the Sacred Rites, as well as the Consultor Fathers present, responded with unanimous approval. We, however, although We did not fail to declare "that We expect the solemn day to come soon when the name and cult of the most faithful Saint Theresa can be attributed to this blessed one," and for that reason, it greatly pleases Us "that We can add a new intercessor, so highly honored, to both God and the Christian people," nevertheless, in such a serious matter, seeking the support and light of divine wisdom, We deemed it prudent to postpone the definitive decision. Finally, on the 8th of April of this year, that is, on the Sunday of the Passion, of the Euchari-

[*Latin ed. p. 261*]

The acts of Pope Benedict XV, page 261. After a most solemn and religious deliberation, with the Most Reverend Cardinal Anthony Vico, Bishop

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of Oporto and of Sacred Rufina, the Pro-Prefect and Relator of the Congregation of Sacred Rites present, as well as the Reverend Father Alexander Verde, Secretary of that Congregation, and the Reverend Father Angelo Mariani, Promoter of the Holy Office, we solemnly pronounce that the process may proceed to the solemn beatification of the venerable Handmaid of God, Anne of Saint Bartholomew.

Since these things are so, moved by the prayers of the entire Order of Discalced Carmelites, by Our Apostolic authority, and by the force of these letters, We grant the faculty that the venerable Handmaid of God, Anne of Saint Bartholomew, a professed nun of the Order of Discalced Carmelites, may henceforth be called Blessed, and that her body, or its relics, although not to be carried in solemn processions, may be publicly presented for the veneration of the faithful, and that images of her may be depicted.

Furthermore, by the same Apostolic authority, We grant that the Office may be recited and Mass celebrated for her each year, on the feast of all Virgins, with prayers proper to her, which We have approved. We grant that such Masses and the recitation of the Office may be performed only in the Diocese of Antwerp or Mechlin, and in all temples and oratories used by the Order of Discalced Carmelites throughout the world, by all those who are bound to recite the canonical hours; and with regard to Masses, by all priests who come to the churches where the feast of the same Blessed is celebrated, observing the decree of the Congregation of Sacred Rites (3862 Urbis et Orbis) of December 9, 1895.

Finally, We grant the faculty that the solemnity of the beatification of the venerable Handmaid of God, Anne of Saint Bartholomew, may be celebrated in the aforementioned diocese and temples, according to the norms of the decree or instruction of the Holy Congregation of Rites of December 16, 1902, concerning the celebration of a triduum within the year following the beatification; which We command to be carried out on days designated by the Ordinary within the year after the same solemnities have been celebrated in the Patriarchal Basilica of the Vatican.

Notwithstanding any Apostolic Constitutions and ordinances, and decrees concerning the prohibition of cults, and all other contrary provisions whatsoever.

We decree that copies of these letters, even printed ones, shall have the same force in all discussions, even judicial ones, as the original, provided that they are subscribed by the hand of the Secretary of the Congregation of Sacred Rites, and sealed with the seal of the Prefect.

Given at Rome, at Saint Peter's, under the Fisherman's ring, on the tenth day of April, 1916, in the third year of Our pontificate.

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P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 262*]

262 Acta Apostolicae Sedis - Official Commentary II

TO THE LAY MEMBERS OF THE ORDER OF ST. FRANCIS, THE FACULTY OF RECEIVING BENEDICTION OR ABSOLUTION IS GRANTED WITHIN THE OCTAVE OF THE FEASTS TO WHICH IT IS ATTACHED.

POPE BENEDICT XV.

For the perpetual remembrance of these matters, we are accustomed, with a willing heart, to do as is customary among the Roman Pontiffs.

Therefore, when the beloved son, Joseph Anthony, from St. John in Persiceto, Procurator and General Commissary of the Order of Friars Minor Capuchin, humbly made supplications to Us, that We might deign to grant the desired privilege to the lay members of the Order of St. Francis; We, having certainly learned how much praise the illustrious Franciscan Order has earned for itself in the Church and in civil society, favorably respond to these pious requests.

Wherefore, confident in the mercy of Almighty God and in the authority of His Apostles, St. Peter and St. Paul, and having also heard our beloved son, His Most Reverend Eminence, Cardinal Penitentiary Major, by Our apostolic authority, in the present document, We grant to all and each lay brothers of the Third Order of St. Francis, wherever they may reside, the faculty of receiving Absolution or Benediction, observing the laws that must be observed, on any day within the octave of the feasts to which the same Benediction is attached.

In contradiction to nothing whatsoever.

These present shall remain perpetually valid.

Given in Rome, at St. Peter's, under the Fisherman's Ring, on the fourteenth day of April, in the year 1917, in the third year of Our Pontificate.

P. CARD. GASPARRI, Prefect of the Sacred Congregation.

[*Latin ed. p. 263*]

Acta of Pope Benedict XV, 263. LETTERS: I, to the Most Reverend Father Titus Trocchi, Titular Archbishop of Lacedaemon, Apostolic Delegate for Cuba and Portugal: Concerning matters decreed at the first meeting of the Cuban prelates, especially regarding the seminary, he praises and commends. Venerable brother, greetings and the apostolic blessing. — It has been reported to Us by Our venerable brother from the Sacred Congregation of the Consistory, concerning the first annual meeting held by the Cuban prelates at the end of the past year, with you presiding. You, venerable brother, who are a witness and moderator of the entire affair, have recounted in great detail the excellent will of the bishops; for which

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reason We are not at all hesitant to offer Our congratulations and praise to them. For they seem to have had nothing before their eyes, and to have judged nothing to be decreed, except that which would greatly contribute to the glory of God, the salvation of souls, and the progress of the Catholic religion among them. May God grant that the excellent will of the pastors may bear abundant fruit in their flocks. And We, while approving of all things, especially commend the wise decisions you have made concerning the establishment and proper management of the seminary, and We urge you to carry out the regulations with diligence. For if the number, and above all the merit, of the clergy is not increased, then there will be a lack of laborers to be sent into the Lord's harvest; or those who are found will be inadequate to carry out the divine work. The hope for a frequent clergy and for priests who labor fittingly and diligently in the vineyard of Christ lies entirely in the sacred seminary, where the minds of the young men are properly formed, both through the study of the sciences and, above all, through the practice of virtues. May all these things proceed according to what is desired. To you and to all the bishops of Cuba, We impart the apostolic blessing, the hope of divine graces, and a sign of Our benevolence, most beloved. Given at Rome, at Saint Peter's, on the twenty-first day of April, in the year 1917, the third year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 264*]

Acts of the Apostolic See - Official Commentary II

To the Reverend Father JOHN CAVANAUGH, of the Congregation of the Holy Cross, Director of Studies of the University founded by Our Lady, as the seventy-fifth year since the founding of that University draws to a close.

Beloved son, greetings and the apostolic blessing.

This has the power to unite opinion and goodwill, without any intermediary. But the messenger who brought us the news of the solemn events that occurred in the seventy-fifth year since the founding of this University, so extolled the praises of your religious family, that scarcely anything can add to Our opinion and goodwill. He declared that the beginnings and growth of this distinguished work are the fruit of your labors; and that you, above all, should be grateful for the fact that you so diligently cultivate the young men entrusted to you in piety and doctrine, so that they may become men of great use to the Church and to the state.

It scarcely needs to be said how pleasing this is to Us. In these difficult times, which We are already experiencing with such hardship, it is not permitted to look forward to better things, unless a special care is given to the young. For it is especially through the morals and life of the young that the people can be led to a better life; and We fear exceedingly that, amidst so many temptations of vice, and also amidst so many poisonous teachings that flow from every side, they will be corrupted.

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Therefore, since the merits of you and your colleagues in that Athenaeum are so great, that they are a share for the Bishops and clergy, and a share for other Catholics in America, whose studies have enriched the Athenaeum, and whose numerous students have come from all sides, and who have received the benefits of sound instruction so abundantly, We rejoice in both, and We urge them to persevere in their judgment and generosity.

To you, beloved son, to your religious colleagues, and to all the distinguished teachers and students of this noble institution of learning, We impart, as a pledge of heavenly blessings and as a testament of Our love, the apostolic blessing in the Lord.

Given in Rome, at St. Peter's, on the thirtieth day of April, in the year 1917, in the third year of Our pontificate.

BENEDICT XV, Pope.

[*Latin ed. p. 265*]

Acta Benedicti PP. XV 265 III Ad PETRUM S. R. E. CARD. GASPARRI, a Secretis Status Sanctitatis Suae, de Pace a Iesu Christo, per intercessionem Sanctissimae Eius Genetricis Mariae, crebris supplicationibus impetranda.

Most Reverend Cardinal, on April 27, 1915, with a letter addressed to the Reverend Father Crawley-Boevey, We extended to all those who consecrated their homes to the Most Sacred Heart of Jesus, the Indulgences previously granted two years prior for such an act of piety by Our Predecessor, Pope Pius X, of venerable and holy memory, to the families of the Republic of Chile. Then, a vivid and serene hope shone upon Us, that the Divine Redeemer, called to reign visibly in domestic hearths, would spread there the infinite treasures of gentleness and humility of His most beloved Heart, and would prepare all minds to receive the paternal invitation to peace, which We intended to address in His august Name to the belligerent peoples and their leaders on the first anniversary of the outbreak of the present terrible war.

The ardor with which Christian families, and even soldiers of the various warring armies, offered to Jesus from that day the homage of loving obedience so pleasing to His Divine Heart, increased Our hope and comforted Us to raise more loudly the paternal cry for peace. We then indicated to the peoples the only way to resolve – with honor and to the benefit of each of them – their disputes, and, tracing the foundations upon which the future order of states must rest, in order for it to be lasting, We implored them, in the name of God and of humanity, to abandon their intentions of mutual destruction and to come to a just and equitable agreement.

But Our laborious voice, invoking the cessation of this immense conflict, a suicide of civilized Europe, remained unheard that day and subsequently! It seemed that the dark tide of hatred spreading among the belligerent nations rose even higher, and the war, sweeping other coun-

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tries into its terrifying vortex, multiplied the ruins and massacres. Yet, Our confidence did not diminish! He knows, Most Reverend Cardinal, that you have lived and live with Us in anxious expectation of the longed-for peace. In the inexpressible anguish of Our soul, and among the bitter tears that We shed for the atrocious sufferings accumulated upon the warring peoples by this horrible storm, We now love to hope that...

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis - Official Commentary, may the hoped-for day arrive sooner, in which all men, children of the same Heavenly Father, will return to considering themselves brothers. The sufferings of the peoples, which have become almost unbearable, have made the general desire for peace more acute and intense. May the Divine Redeemer, in the infinite goodness of His Heart, ensure that the counsel of gentleness prevails even in the hearts of rulers, and that, conscious of their responsibility before God and before humanity, they no longer resist the voice of the peoples calling for peace! For this purpose, may the prayer of the wretched human family ascend more frequently, humbly, and confidently to Jesus, especially in the month dedicated to His Most Holy Heart, and may they implore the cessation of this terrible scourge. May each one purify themselves more often in the salutary washing of sacramental Confession, and may they offer their supplications with affectionate insistence to the most beloved Heart of Jesus, united with theirs in Holy Communion. And since all the graces that the Author of all good deigns to bestow upon the poor descendants of Adam are, by the loving counsel of His Divine Providence, dispensed through the hands of the Most Holy Virgin, We desire that in this terrible hour, more than ever, the living and confident plea of Our afflicted children be directed to the Great Mother of God. Therefore, We entrust to you, Lord Cardinal, the task of making known to all the Bishops of the world Our ardent desire that recourse be had to the Heart of Jesus, throne of graces, and that this throne be approached through Mary. For this purpose, We order that, beginning on the first day of the next month of June, the invocation "Regina pacis, ora pro nobis" be included in the Litany of Loreto, which We permitted to be temporarily added by the Decree of the Sacred Congregation of Extraordinary Affairs of the Church, dated November 16, 1915. Let the pious, devoted invocation be raised to Mary, who is the Mother of mercy and almighty by grace, from every corner of the earth, in majestic times and in the smallest chapels, from the palaces and rich mansions of the great as from the poorest hovels, where a faithful soul dwells, from the blood-soaked fields and seas, and let it bring to Her the anguished cry of mothers and wives, the lament of innocent children, the sigh of all blessed hearts: may Her tender and most benign solicitude move Her to obtain the longed-for peace for the troubled world, and may She remind future generations of the efficacy of Her intercession and the

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greatness of the benefit She has bestowed upon us. With this confidence in our hearts, We implore from God the most excellent graces for all the peoples, whom We embrace with equal affection.

[*Latin ed. p. 267*]

The Acts of Pope Benedict XV, page 267, impart to you, Most Reverend Cardinal, and to all our children, the Apostolic Blessing. From the Vatican, May 5, 1917. BENEDICT XV. TO THE MOST REVEREND AND ILLUSTRIOUS WILLIAM CONAN, ARCHBISHOP OF IULIANUM, APOSTOLIC ADMINISTRATOR OF GONAÏVES, AND TO THE OTHER ARCHBISHOPS AND BISHOPS OF THE REPUBLIC OF HAITI, GRATEFULLY ACKNOWLEDGING THE COMMUNICATION RECEIVED ON THE OCCASION OF THE ANNUAL EPISCOPAL CONVIVIUM. Venerable brothers, greetings and the Apostolic Blessing.

May our plans and intentions be confirmed by your judgment and by the offices of your piety; and although we see that nations, by casting the flame of war from one to another, have brought matters to such a point that human medicine seems almost to be yielding to the disease, we will nevertheless never cease from urging peace, nor from offering the benefits of Christian charity, trusting greatly in Him who, when He wills, can command the winds and the sea, and can bring about great tranquility. From these most commendable endeavors, we are confident that you will receive from us, in the meantime, rewards, so that we may labor together for the reconciliation and strengthening of peace, and that among all, the faithful may remember with gratitude that you have been, above all others, promoters and authors of peace, and that they may understand that from Him, peace, security, and lasting tranquility are to be sought and hoped for. This, We desire, not for Our own sake, but for the sake of the Church and of many nations; and you, venerable brothers, should now and more earnestly strive in those things which you have already offered to God for the common good. For He who said: "Ask, and it shall be given to you," is faithful; but He desires to be asked of us for a long time, and to be, as it were, wearied by our prayers. For the proper expression of your will, We give and offer thanks, and We impart to you all, venerable brothers, and to your dioceses, with a paternal heart in the Lord, the Apostolic Blessing, a witness of Our heavenly favor and of Our benevolence. Given at Rome, at Saint Peter's, on this seventh day of May, in the year 1917, the third year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 268*]

268 Acta Apostolicae Sedis - Official Commentary ACTA 88. SUPREME SACRED CONGREGATIONS SACRED CONGREGATION OF THE HOLY OFFICE FOR SPIRITISM. Wednesday, in the fourth week, on April 24, 1917. In a plenary session held by the Most Reverend and Right

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Reverend Lords Cardinals, Inquisitors General in matters of faith and morals, concerning the following question: "Whether it is permissible, by means of what they call the 'medium,' or without a 'medium,' by employing or not employing 'hypnotism, spiritualistic communications or manifestations,' in any way, even if they appear to be honest or pious, whether by questioning souls or spirits, or by hearing responses, or even by merely observing, even with a tacit or expressed protest that one does not wish to have any connection with evil spirits." - The same Most Reverend and Right Reverend Fathers decreed that: "Negatively in all cases." And on Friday, April 26th of the same month, the Most Holy Lord Pope Benedict, having received the resolution of the Most Reverend Fathers, approved it. Given in Rome, from the offices of the Holy Office, on April 27, 1917. Aloisius Castellano, Secretary of Breves and Briefs. SACRED CONSISTORIAL CONGREGATION. PROVISION FOR CHURCHES. By decree of the Sacred Consistorial Congregation, the Most Holy Lord Pope Benedict XV provided for the following churches with their own pastors, namely: May 4, 1917. - To the Cathedral Church of Tudensi, he appointed the Reverend Father Emmanuel Lago y Gonzalez, formerly Bishop of Oxomensem. May 12th. - To the Cathedral Churches of Auximae and Cingulanae, he appointed the Reverend Father Pacificus Fiorani, formerly Bishop of Cornetanum and Centumcellarum. May 19th. - To the titular episcopal church of Sinopensi, he appointed the Reverend Father Eugene Beccegato, urban pastor and pro-vicar general in the diocese of Tarvisina; appointed as Apostolic Administrator of the diocese of Cenetensis.

[*Latin ed. p. 269*]

SACRED CONGREGATION OF THE COUNCIL OF PISA.

Regarding the Association of the Dead.

January 27, 1917.

In the year 1824, a hospital was established in Pisa, within the territory of the parishes of Saints Cassian and Heraclian, for the care of the sick from throughout the province, and a public church dedicated to Saint Benedict was attached to it.

When it was considered to establish a chaplain there, the Ordinary obtained, with the consent of the parish priest, a privilege from the Holy See, namely, that the chaplain might, independently of the parish priest, administer the sacraments in the hospital, attend the dying, and, after the funeral rites had been performed, consign the bodies for burial within the very church of Saint Benedict.

However, this privilege, in its final part, or with regard to ecclesiastical burial, soon lost its effect: for in the year 1828, a public cemetery was established in Pisa, and it was forbidden to bury bodies in churches or anywhere

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other than in the new cemetery; consequently, the question arose as to whom it belonged to conduct the funerals of the deceased who were in the hospital for the insane.

The parish priest of Saints Cassian and Heraclian vigorously maintained that such a right belonged to him alone, while, on the other hand, the chapter of the cathedral church, and other parish priests of the city, opposed this.

The controversy was finally settled (as is more fully narrated in *Thesaurus Rerum Decretorum S. C. C*, 1887, vol. CXLVI, pp. 219 ff.) around the year 1885, by an agreement whereby the parish priest of Saints Cassian and Heraclian obtained the exclusive right to bury any visiting insane persons; while the other parish priests of the city retained their right regarding the funerals of their own parishioners who had died in the hospital for the insane.

Indeed, to avoid any doubts, the parish priest prescribed certain rules to the chaplain of the hospital, in execution of the agreement, on June 30, 1885, by which he confirmed his exclusive right in the funerals of visiting insane persons, who were living in the hospital at their own expense or that of their families (pensioners); he granted, however, the chaplain the faculty of performing the funeral rites, in the hospital church, over diocesans, as well as over all "common insane persons," who, indeed, had been supported in the hospital by the Pius Fund, adding that the association of the dead outside the walls of the hospital was and would remain a *factum iuris*.

[*Latin ed. p. 270*]

270 Acta Apostolicae Sedis - Official Commentary: The exclusive right of the parish; furthermore, the law concerning the burial and association of the deceased, even of the poor, of the City and Port. It must be noted, however, that, as is customary, it has been the case in several hospitals that the bodies of common paupers, as they are called, whose surviving families have not undertaken the care of their burial, have been accustomed to be transported at night, by a public carriage destined for the poor, from the asylum of Pesaro, without a priest, to the cemetery; therefore, the parish priest of Ss. Cassiani and Heracliani felt neither advantage nor disadvantage in these matters, with regard to the burial of demented individuals who were not residents, or who belonged to the common class. However, in the year 1910, the municipality of Pesaro established that the transportation of the poor to the cemetery should also take place during the daytime. The Ordinary then notified all the parish priests of the city of the duty and office of accompanying, to the cemetery, even the poor deceased, transported by public carriage. All the parish priests immediately complied with this order, and the parish priest of Ss. Cassiani and Heracliani also complied, with regard to the poor who resided within the parish, and also with regard to the poor who died in the asylum within their parish; but not with regard to

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other poor, demented individuals who were not residents, or who were foreigners, belonging to the province. When the Ordinary learned of this, he first warned the parish priest of his duty; upon his refusal and his refusal to assume the burden of the burial of these deceased paupers, and to provide a chaplain for them in the asylum, he finally, by decree dated February 20, 1916, decided and ordered, by his authority, "that the obligation of burying the bodies of the deceased poor in the asylum belongs to the parish priest, and not to the chaplain of the Institute." Against this decree, the parish priest appealed to the Sacred Congregation of the Council, requesting that the same decree be declared invalid in this case.

SYNOPSIS OF THE DISPUTE: In favor of the parish priest, the following arguments are primarily presented. Firstly, if the present question were to be judged according to common law, it would seem that the right and duty of burying and associating the bodies of demented individuals, in this case, belongs to the parish priest, by reason of their domicile or quasi-domicile. This is clearly demonstrated by chapter 3, On Burials, in Volume VI, and by numerous decrees of the Sacred Congregation of the Council, notably from three decrees of Bologna, dated February 13, 1694, January 24, 1867, and May 14, 1881. Therefore, the right and duty of burying and associating the bodies of demented individuals in the asylum of Pesaro would belong to all the parish priests of the entire province; since the demented are habitually deprived of the use of reason, they cannot, and indeed are not presumed to, have a permanent residence, or at least for a greater part of the year, in any particular place.

[*Latin ed. p. 271*]

The Holy Congregation of the Council, 271. Hospitals, so that they may acquire a domicile or quasi-domicile in the parish of the Saints Cassian and Heraclian, in which it is situated. However, the present question appears to be more appropriately resolved according to particular law, which originated from an apostolic rescript of June 2, 1828, by which the exemption, according to the manner of a hospital, was granted, and which has since been observed until our time. Indeed, by virtue of this privilege and its subsequent observance, the chaplain for the time being of the hospital had the right, and the corresponding duty, not only to administer the sacraments to the sick, but also, after due rites, to bury the bodies of the deceased in the adjacent church. However, when, shortly thereafter, all private cemeteries were abolished, and a public cemetery was established, to which the bodies of all the deceased were to be brought, the funeral office, which had been celebrated in the church, and the burial, which had to take place in the public cemetery outside the walls, were distinguished. Nevertheless, the chaplain, who celebrated the funeral office, was still obliged to bury the bodies, and therefore to associate them with the cemetery. For the institution of public cemeteries did not change anything regarding the rights of

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the particular churches, so that the particular churches (regular or secular), which, by reason of the chosen burial or of pagan custom, had the right to celebrate funerals, also retained the right (and the duty) to bury the bodies, not, indeed, in the churches themselves or in the adjacent cemetery, but in the public cemetery; only the material location was changed. This has been affirmed by the most steadfast jurisprudence of this Holy Congregation, as can be seen from Gamerin, De Sepulturis, November 20 and December 18, 1819, June 23 and November 24, 1821 (Thesaurus, vol. 79, p. 333, 342; vol. 81, p. 189, 317); from Derthonen, De Spoliis, March 24 and April 14, 1821 (ibid., vol. 81, p. 100, 128); from Ariminen, De Funeribus, June 16, 1827, ad 3, 4, 5 (ibid., vol. 87, p. 104); from Forolivien, De Funeribus, January 26, 1833 (ibid., vol. 93, p. 14); from Aesina, De Iure Funerandi, November 26, 1864 (ibid., vol. 123, p. 485); from one from Forolivien, De Iure Funerandi, September 16, 1871 (ibid., vol. 130, p. 657); from Urbinaten, De Funeris, August 14, 1875 (ibid., vol. 134, p. 675; cf. especially, p. 678-679), etc., so that there can be no difficulty in this matter. Therefore, the chaplain of the hospital in Pesaro, who, in the year 1828, exercised two rights, namely, the right to celebrate funerals and to bury the dead, should have exercised the same two rights, with the establishment of the public cemetery; except that he should have buried the bodies of the deceased in the public cemetery, and therefore should have associated them with that cemetery. It is not permissible to object that the chaplain of the hospital was relieved of the obligation of associating the bodies of the insane with the public cemetery, and therefore of burying them there, because of a contrary custom. For in this case, a custom does not seem to have been legitimately induced or to be able to be induced, since.

[*Latin ed. p. 272*]

272 From the Apostolic See – Official Commentary, prohibited by law. If the Most Holy Governing Body has not considered this custom of associating bodies with burial as a corruption of the law and an abuse, for example, when in Pontremoli, Funerum, on May 19, 1888, despite the contrary observance concerning the poor of the hospital of St. Anthony, who were brought for burial at night without the accompaniment of a priest, it ordered that "the association of bodies be done according to the prescription of the "Roman" Ritual. With this prescription and prohibition established, there is no place for the custom, as is clear from chapter "Cum instantia," concerning Uzes; because in this case, the custom cannot have the force of a privilege, even if it is immemorial; as stated in chapter 1, concerning customs, and as the gloss in Clement. 1, verse, indicates regarding the competent forum. Furthermore, it does not appear that the chaplain of the asylum has prescribed anything at least against the parish priest himself. For the Diocese of Pesaro readily admits that this parish priest has never, at any time, associated the bodies of the poor of the asylum with the

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public cemetery. Indeed, this same parish priest does not even have the right to bury these deceased; which, on the contrary, solely belongs to the chaplain of the asylum by virtue of the apostolic privilege and subsequent prescription. If, therefore, he alone has the right to bury them, he must also have the right to associate them with the public cemetery and to bury them there. Indeed, although these two rights are materially distinct, they cannot, by law, be separated; hence the saying: where there is a burial place, there is a funeral; and conversely. This is demonstrated in chapter "Nos instituta" 1, concerning burials, and also from the jurisprudence of this Holy Congregation, for example, in Lucana, June 17, 1722, in Trent, February 3, 1724, in Civita Castellana, February 18, 1764, where in the case file it is noted: "The funeral rites pertaining to the act of burial accompany the act of burial itself, and are not separated from the burial." If the parish priest of St. Cassian associates and buries the bodies of wealthy individuals near the asylum, this could be justified either by a designated burial place in his own church, or by the tacit consent of the chaplain and the established custom, or even by an agreement. Furthermore, even now, the parish priest of St. Cassian seems to be able to reserve for himself the right to bury the wealthy individuals near the asylum, while simultaneously imposing on the chaplain the obligation to associate and bury the same poor in the public cemetery. Indeed, the privilege of exemption from the jurisdiction of the parish priest granted to the asylum was not absolute, but was conditional and subordinate to the consent of the parish priest of St. Cassian. Therefore, it is entirely within his right to consent to this in whole or in part, or even to limit it at his own discretion. On the other hand, the following are alleged: – It is not without doubt that the parish priest now assumes, concerning the domicile of the demented.

[*Latin ed. p. 273*]

The Holy Congregation of the Council of tium: For if these [individuals] are to be compared to pupils or infants, it must also be observed that infants and pupils acquire a domicile or quasi-domicile according to the will of their guardians or curators. Therefore, since the [individuals] who are demented, in the region of Pisaurum, were sent by their curators for a prolonged period, for the treatment of a difficult and perhaps incurable illness, they certainly acquire a domicile and parish in the place where they reside. Therefore, it seems doubtful that, according to common law, the entire care, and even the funeral rites, of the demented, in this case, belong to and are the duty of the parish priest of the churches of Ss. Cassian and Heraclius; and therefore, it would be his duty to associate with the burial of all bodies, without making any distinction between demented individuals, whether poor or rich, natives or foreigners.

Indeed, in this case, common law does not fully apply, given the privilege of exemption granted by the Apostolic See, with the consent of the parish

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priest; however, with regard to the disputed point, that privilege cannot be invoked, either for one side or the other, as is clearly evident from the facts presented and from the wording of the privilege itself. The controversy concerns the association of the bodies of poor demented individuals, from the hospital mortuary, to the public cemetery. But this privilege does not cover, nor could it have covered, this, because, in the circumstances that prevailed when it was granted, this case did not arise, since the bodies were buried within the walls of the hospital, namely in the church or around the church attached to the hospital. Hence, it was requested and granted "that the chaplain may bury the bodies in the church of S. Bene," which was already equipped with suitable burial places, without depending in any way on the parish priest.

If the privilege does not cover this case, it is clear that the full force of common law is exerted, which, as we have seen, imposes this right and duty on the parish priest in the place where the hospital is located. Furthermore, even given that the demented individuals, in this case, do not acquire a domicile in the hospital, and therefore in the parish, but retain their own (as is established by law for other types of the sick), which they had before entering the hospital, and therefore, with regard to the parish priest of the churches of Ss. Cassian and Heraclius, they must be treated as foreigners (which, it should be noted in passing, the same parish priest, who is now in office, vigorously contested in a similar case against the chapter and confreres, on May 14, 1887: Thes. CXLVI, pp. 223 ff.), nor would the parish priest be exempt from this disputed burden in such a hypothesis. For, according to particular law, which originates from a certain ancient agreement initiated in 1707 between the parish priests and the Chapter of the Cathedral of Pisaurum – which, after a long period of observance, was brought before the Holy Congregation and received solemn confirmation, through a resolution of March 14, 1887 – the funeral rites of foreigners or of any others are recorded, Vol. I X, n. 6. — 1-6-917, 18.

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis - An Official Commentary concerning the jurisdiction in the city of Pisa regarding parish priests. However, there are several arguments that demonstrate that this arrangement was, and indeed is, valid, even with regard to the mentally ill in the provincial hospital. Firstly, the urban parish priests, in accordance with the agreement of October 20, 1886, which the Holy Congregation likewise stipulated in the aforementioned resolution, article 6: "declare that they will 'always respect and uphold every right concerning their parishioners who are confined' in the asylum, whether they are of the class called 'pensioners' or of the class called 'commoners'," thus concluding that, with regard to visiting mentally ill individuals, the full right and obligation belongs to the parish priests of Ss. Cassian and Heraclian. Secondly, because it is explicitly stated that,

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since 1885, the Cathedral Chapter, with the following words, has ceded to the parish priests the right to bury visiting mentally ill individuals: "The Chapter, for particular reasons concerning the residence of the mentally ill, and for the sake of concord, cedes to the aforementioned Prior the burial of all foreigners who die in the asylum." Thirdly, in fact, since 1885, the parish priests of Ss. Cassian and Heraclian have buried the bodies of visiting mentally ill individuals, whose association was then required, namely whose funerals, even in the poorest form, were carried out by the family, in the cemetery. What more need be said? The same parish priest, in the regulations, or "rules, between the parish priest of S. Cassiano and the chaplain of the asylum, concerning the funerals of the mentally ill in the asylum," which the chaplain was instructed to follow on June 30, 1885, simply and without any distinction, stipulated: "The funerals of the mentally ill, both those who are 'commoners' and those who are 'diocesan pensioners,' will be carried out by the Reverend Chaplain of the institution, in the church of the asylum, 'taking the small fees from both, when those of the latter are not claimed by the parish priest of the deceased.' However, regarding the association of bodies outside the institution, nothing is changed, and it remains the exclusive right of the parish priest." This prescription is so explicit that it seems to eliminate all ambiguity. One thing that could be objected to is that, in this case, the aforementioned provision concerning the association of bodies applies only to those who are considered "diocesan pensioners"; because, since the rule was established, there was no place, based on the circumstances we have mentioned, for the association of bodies "of the 'common' mentally ill," nor, indeed, was there a place for it until 1910, when, after the intolerable practice of transporting these bodies at night using a municipal cart was abolished, it was stipulated that they too should be transported during the day, accompanied by a priest, to the cemetery. And this, indeed, was the claim of the parish priest, namely to associate the bodies of wealthy mentally ill individuals, or those in whose association, even if carried out in the poorest form, the family nevertheless received some emolument, and to refund it.

[*Latin ed. p. 275*]

The Holy Congregation of the Council states that the obligation of the chaplain to associate himself with the bodies of the poor, in whose funerals there is no expectation of temporal gain, is established by law, both in fact and in right, and also by the declaration of the parish priest (approximately at the end). However, this claim is contradicted first by the very logic of the matter, because in the law established by the parish priest himself, the only norms included are for the funerals of "the deceased members" and "the diocesan pensioners," namely: "that the association of 'bodies outside the establishment (whether with profit or merely with inconvenience)' is and remains the exclusive right of the Parish Priest," and where the law does

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not distinguish, neither should we. Secondly, this is clearly prohibited by canonical equity, because it is most equitable that he who benefits should also bear the burden (Reg. 55, iur. in VI). Finally, it should be noted that, although a new burden is being imposed, it is true that, considering the circumstances, until the year 1910, neither the parish priest nor the chaplain, in fact, associated themselves with the bodies of the poor. However, the legal situation of both is not the same: for the parish priest, the new obligation that is imposed is truly implicit in the law and the obligation he undertook to associate the bodies of the deceased; but for the chaplain, this is neither implicitly nor explicitly the case: for the parish priest states in the very norms of the year 1885, and even before that time, and therefore from the beginning or from the foundation of the hospital, that the chaplain never had the right or the obligation to associate the bodies of the deceased outside the walls of the hospital. Finally, the parish priest argues, in his letters to the Holy Congregation, that it is impossible for him to associate the bodies of the poor who have died, given that he is 80 years old, and that for a parish of 5000 souls, he has only one assistant priest. However, as is evident, these arguments, since they concern the temporary condition of the facts, cannot have any validity in the matter of law; but these are sufficiently addressed by the Bishop, who first points out that all the faithful, whether few or many, whether poor or rich, have the right to a pious funeral association; secondly, he recalls that the parish priest himself has increased the burden, having, since 1887, not extended the care of the deceased to the cathedral chapter, which he had previously undertaken; and thirdly, he promises that, after the legal question has been decided, he will take appropriate measures and remedies to alleviate the already heavy burden on the parish priest.

RESOLUTION. - After all these points have been discussed on both sides, at the plenary meetings of the Most Reverend Fathers, held on January 27, 1917, the following question was proposed: Whether the decree of the Curia of Pesaro, dated February 20, 1916, should be confirmed or rejected (in which, in fact, it was stated that "the obligation...")

[*Latin ed. p. 276*]

276 Acta Apostolicae Sedis - Official Commentary: "Regarding the burial of the bodies of poor deceased individuals in the asylum, it pertains to the 'parish priest and not to the chaplain of the Institute'," the Sacred Congregation of the Council judged it appropriate to respond: "Affirmatively to the first part; negatively to the second, or 'the decree must be confirmed in this case'." Regarding the aforementioned matters, His Most Holy Lord Benedict, by the divine Providence, Pope XV, through the undersigned Secretary of the Sacred Congregation, in the audience of the following day, His Holiness deigned to approve the resolution of the Fathers. I. MORI, Secretary. SACRED CONGREGATION FOR RELIGIOUS ORDERS: INTERPRE-

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TATION OF THE DECREE "CUM DE SACRAMENTALIBUS" In Article V of the Decree "Cum de Sacramentalibus" of February 3, 1913, it is stated: "If any religious woman, for the sake of her peace of mind and greater progress on the path of God, requires a special confessor or spiritual director, it will be easily granted by the Ordinary; who, however, will be vigilant to prevent abuses from arising; and if they do arise, he will carefully and prudently eliminate them, always preserving the freedom of conscience." Regarding this article, the following questions were proposed to the Sacred Congregation for Religious Orders: I. Can a special confessor or spiritual director appointed for a religious woman, according to Article V of the Decree "Cum de Sacramentalibus," remain permanently in his office, or rather, should he be appointed for a fixed period? II. Can someone be appointed as a special confessor or spiritual director for a religious woman who has served as the ordinary confessor of the community during the preceding three years, and has not yet completed the year since the cessation of that office? The Most Reverend Cardinals of this Sacred Congregation for Religious Orders, having carefully considered the entire matter, in a plenary meeting held on April 20 of the current year, 1917, responded: To the first: A special confessor or spiritual director should not be appointed for a fixed period, but rather until a just reason...

[*Latin ed. p. 277*]

The Holy Congregation of Religious Orders, for reasons of necessity or spiritual benefit, which have been requested, according to the norm of the Decree *Cum de Sacramentalibus*, number 13. Regarding the second matter: Affirmative. After a report on these matters was presented by the undersigned Secretary of the Holy Congregation, in a hearing on April 22nd of the same year, His Holiness, with the benevolent approval of the Fathers, ratified and confirmed the decision. I, CARD. TONTI, Prefect. Adulphus, Bishop of Canopita, Secretary.

THE HOLY CONGREGATION FOR RITES OF SAINT JAMES OF CHILE. DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, BROTHER ANDREW PHILOMEN GARCIA ACOSTA, LAY MEMBER OF THE ORDER OF FRATI MINORI.

In the noble Chilean nation, the city of Saint James, which had long ago been adorned with singular virtues by the Venerable Peter Bardesius, a lay member of the Order of Friars Minor, in the recently passed century, another member of the same Order, Andrew Philomen Garcia Acosta, illuminated it with similar glory and holy works. The inhabitants of that city and region, not only hold this humble servant of God in great esteem and veneration, but also proclaim him worthy of heavenly honors, and have taken care to bring his cause of beatification and canonization to the Congregation for Rites for consideration and advancement.

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Andrew Maria de Doloribus, so named in the sacred font, was born in the town of Hampuienta, near the islands of Lille/Rijssel, from honest and pious parents, Gabriel Garcia and Augustina Acosta, on January 10th, in the year 1800, and later took the name Philomen, due to the particular devotion that he fostered and cultivated in the Chilean region towards the unknown Virgin and Martyr, Saint Philomena.

The boy diligently applied himself to domestic duties, and then to the mysteries and precepts of religion, and to the rudiments of letters; and as he grew older, devoted to the care of his paternal flock, he heard the voice of God speaking intimately to his heart, in solitude.

[*Latin ed. p. 278*]

278 Acta Apostolicae Sedis - Commentarium Officiale. With the Divine grace operating, while more eagerly seeking heavenly things and simultaneously being charged with imparting Christian instruction, he prepared himself for a more perfect life, both through weariness of the world, bodily suffering, and contempt for himself, and through constant and devout exercises. Among other things, his particular love for the Most Blessed Virgin Mary is remembered, to whom, with devoted affection, he would often gather and excite groups of children at set times, celebrating her with festive songs, himself being the leader, teacher, and example. At the age of thirty, bound by the charity of providing sustenance, he left his homeland and went to the city of Monte Video; where, with prudent counsel for the conduct of his life and the fostering of devotion, he devoted himself to reading and selling books of religion and piety. Meanwhile, he chose as his director of conscience one of the Minor Brothers, Father Philip Echanagucia, an apostolic preacher, who, having observed in him the habit of living piously, the frequent reception of the sacraments, and a ready willingness to embrace the Franciscan Order, so confirmed him in his holy purpose that, shortly after, Andrew put on the habit of Saint Francis in the monastery of Monte Video. Although most observant of the discipline of the rule, he nevertheless endured harsh persecution, and, fearing greatly that the peace and harmony of himself and other religious might be disturbed, at the urging of his spiritual director, he was obliged to leave the community he had chosen. Unmindful of the injury done to him and generous in granting forgiveness, he is said to have provided for his daily sustenance outside the cloister through manual labor and never to have faltered in the path of perfection he had begun. However, inclined towards a sacred retreat, and placing his hope in the divine assistance which he implored with fervent prayers, he was received by the religious superiors in the same monastery. Shortly after, a sedition arose in the city of Monte Video, and Andrew, expelled from the monastery along with his companions, was forced to remove the habit of Saint Francis and return to his former labors and ways of life. Then, following his director of conscience, Father Echanagucia, to

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the Chilean region, he suffered much with him on that journey from a bold and impudent group of sailors, until, with God's favor, they reached the city of Saint James of Chile. There, he was kindly received in the Franciscan monastery and again clothed in the habit of the tertiaries, and diligently fulfilled the office of charity and humility, praying for the sacred rites, and for the brothers and the poor, with an increase in grace, virtue, and regular life, until his death. In the beginning of the month of January of the year 1853, being seized by a grave illness, knowing that the day of his death was approaching, fortified with the sacraments of the dying, he pronounced the solemn vows of religion, which he had never previously expressed, with the permission of the Reverend Father Custos; and, before his beloved brothers in Christ, he recited the symbol of the Christian faith.

[*Latin ed. p. 279*]

The Holy Congregation of Rites, with a peaceful countenance, breathed its last on January 14th, in the year 1853. With funeral ceremonies solemnly celebrated, attended by the clergy and the people, and with a funeral oration pronounced, the remains of the Servant of God were carried to the public cemetery; and two years later, through funds contributed by the citizens, under the care of the superiors of the monastery, they were transferred to the Franciscan temple and rest in a more dignified tomb, near the magnificent altar of Saint Philomena, Virgin and Martyr. In the meantime, the fame of the sanctity of the Servant of God, both in life and after death, grew more and more each day, so that an Informative Process was completed in the ecclesiastical court of Saint James of Chile, with ordinary authority, and was sent to the Congregation of Holy Rites. At the urging of the Most Reverend Father Francis Mary Paolini, the general promoter of the Order of Friars Minor, and with attentive letters from certain Most Eminent Cardinals of the Holy Roman Church, the Illustrious and Most Reverend Archbishop of Saint James of Chile, together with his Chapter, and other Archbishops and Bishops, especially from the regions of Italy, Spain, and the Americas, and also the superiors general of religious Orders or Congregations, with Father Seraphino Cimino, the general minister of the Order of the Friars Minor, and other distinguished persons present, after a proper review of the writings attributed to this Servant of God, and finding that nothing stood in the way of proceeding further, the following Cardinal Anthony Vico, Bishop of Porto and Saint Rufina, in place and instead of the Most Eminent and Most Reverend Cardinal Sebastian Martinelli, Promoter of the Cause, signed the following question to be discussed at the Ordinary Assemblies of the Congregation of Holy Rites, convened at the Vatican: Whether a Commission for the introduction of the Cause should be appointed, in this case and for the purpose in question? And the Most Reverend Fathers, entrusted with the safeguarding of the sacred rites, after hearing the report of the aforementioned Cardinal Promoter, and after hearing the voice and

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the written opinion of the Reverend Father Angelo Mariani, Promoter of the Faith, having carefully considered everything, judged it necessary to respond: Affirmative, that is, that a Commission for the introduction of the Cause should be appointed, if it pleases the Most Holy. On April 24th, 1917. All of which was reported to our Most Holy Lord Pope Benedict XV by the aforementioned Cardinal, Pro-Prefect of the Congregation of Holy Rites, and His Holiness, having approved the decree of the same Holy Council, deigned to sign with his own hand the Commission for the Introduction of the Cause of the Servant of God, Brother Andrea Philomena Garcia Acosta, a lay brother of the Order of the Friars Minor, on the 25th of the same month and year.

ANTONIUS CARD. VICO, Bishop of Porto and Saint Rufina, Pro-Prefect of the Holy Roman Church.

L. © S. Alexander Verde, Secretary.

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis - Official Commentary

ACTS OF THE SACRED APOSTOLIC PENITENTIARY

SECTION FOR INDULGENCES

CERTAIN DOCUMENTS CONCERNING THE GRANTING OF INDULGENCES

I. "O Heart of Jesus, increase our faith, hope, and charity."

We grant three hundred days of indulgence to the faithful who devoutly recite this invocation.

From the Vatican, on the 5th of April, Friday in the Octave of the Lord's Supper, in the year 1917.

BENEDICT XV, POPE.

The authentic document of this concession has been exhibited, as is proper, to the Sacred Apostolic Penitentiary, Section for Indulgences, on this day, the 17th of April, 1917.

In witness whereof, etc.

Bernardus Colombo, Secretary, S. P.

L. © S. II ". 1 ."

"Our Lord Jesus Christ, we turn to You; Holy God, 'Great God, Immortal God, have mercy on us and on all mankind. Purify us from our sins and

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our weaknesses with Your divine Blood. Amen.

'O Jesus, my Jesus, in You I believe, in You I hope, I love You, I give myself to You.

'Most Holy Mother, grant me confidence in You.

'When, O Jesus, will I see Your beautiful face?

'O Mary, You are my strength, my deliverance, my peace, and my salvation.'

We grant three hundred days of indulgence, applicable to the souls in Purgatory, for each time these prayers are recited.

From the Vatican, December 21, 1916.

BENEDICT XV, POPE.

[*Latin ed. p. 281*]

Sacred Penitentiary Apostolic 281. A true copy of the present concession is hereby presented to this Sacred Penitentiary Apostolic Tribunal, Section for Indulgences, as is due by law. In witness whereof, etc. On April 20, 1917. Bernardus Colombo, Secretary. L. © Sacred Roman Rota. Under the blessed reign of Pope Benedict XV, in the second year of his pontificate, on June 8, 1916, the Most Reverend and Most Learned Fathers, Joseph Mori, Prefect, Frederick Cattani, and Raphael Chimenti, Auditors of Tournon, in the cause of the Isclana Juridical Patronage, between the Reverend Joseph Vuoso, plaintiff, represented by his lawful procurator ex officio, Advocate Hildebrand Silvestri-Faà, and the parish priest Aloysius Di Maio, defendant, represented by his lawful procurator, likewise ex officio, Advocate John Delia Cioppa, with the intervention and participation of the Promoter of Justice for the protection of the law and the freedom of the Church, rendered the following final judgment.

Within the limits of the parish of Saint George, in the town commonly called Testacelo di Barano, there exists a chapel dedicated to the Blessed Virgin Mary of Gratiarum. When the pastor of said parish, Aloysius Di Maio, perceived that his church was too narrow for the increasing number of parishioners, he conceived the plan of enlarging it by transferring to the aforementioned chapel a lay society of Saint Mary of Constantinople, whose oratory was annexed to the parish church, and from which, through such a transfer, a new wing could be acquired for the enlargement of the building. For this purpose, after obtaining the consent of the Society and then the license of the Bishop, in November of the following year, a contract for the restoration of the chapel was entered into between the builder Napoleone and the parish priest Di Maio, with the participation of the rector George Di Iorio. But the Reverend Joseph Vuoso, canon of Isclana,

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who had previously shown no interest,

[*Latin ed. p. 282*]

Acts of the Apostolic See - Official Commentary, concerning the restoration of the chapel, or concerning the provision of sacred furnishings therein, and concerning the fact that the parish priest, who had unexpectedly changed his mind after having given his consent to a new project undertaken by him, in January of the year 1914, first presented a protest to the Episcopal Curia, and then, with the help of a lay official, issued a protestation, claiming that he was the patron of the aforementioned chapel, being descended from its founder, Aniello Nobilione, and that he had notified the parish priest of the new project undertaken by him, in accordance with the law. The Episcopal Curia, or the Vicariate Capitular, at that time with the Episcopal See vacant, in order to proceed safely in this matter, issued edictal letters against those claiming to be potential patrons, assigning them a useful period of one month to assert their rights. During this period, only the canon Vuoso appeared before the same Curia to claim his asserted patronage, while, on the contrary, the parish priest Di Maio opposed him. When canon Vuoso was present with the Most Holy Father, requesting that the question be resolved by our Tribunal in the first instance, the Most Holy Father graciously acceded to his requests, and thus we were charged with judging, by pontifical commission. In the meantime, it should be noted that, after the parties had presented their allegations, the plaintiff Vuoso requested a preliminary investigation, but, having been granted this, he decided to withdraw from the lawsuit; on the contrary, the parish priest Di Maio, when it was a question of new construction projects and, moreover, of establishing the freedom of the church, insisted that the case be brought forward. Therefore, those with an interest were again summoned by a public edict, but no one appeared, and the case was heard with the intervention of the Promoter of Justice, and, with new arguments presented by the procurators of the parties, under the following doubts: I. Whether the right of patronage exists in favor of the Reverend Joseph Vuoso in this case. And, if affirmative: II. Whether there exists a violation of the right of patronage, and how to provide for this case. The following points must be considered and kept in mind in the subsequent legal proceedings. The right of patronage is often defined by some doctors as "a certain right, consisting of certain honors and benefits, to which certain obligations are also attached, granted to those who have founded and endowed benefices or churches, or even to those who have a cause with them" (Santi, Praelect., 1, book 3, title 38). Others, however, commonly define it as "the right to present a cleric to a vacant benefice," but, as Cardinal D'Annibale observes (Summula Theol. Mor., vol. III, n. 26, in note), this is not the definition of patronage, but rather a part of it, and, as Cardinal De Luca says (Disc. 59, n. 17, h. t.): "the right to present alone

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does not constitute patronage." See also Vivian (De Patronatu, book II, chapter 9, n. 24), according to whom (book I, chapter 2) "it is an honorary, burdensome, and useful right belonging to someone."

[*Latin ed. p. 283*]

S. Bomaña Bota 283: « In an ecclesiastical institution, for the reason that, with the consent of the diocese, the Church was founded, « it was either constructed or endowed by him, or by someone from whom he received it, either alone or with « another ». The right of patronage, in its origin, is either derived from grace or a privilege, or from a singular law; it is also derived from justice or from common law, namely, from a burdensome cause. The former originates from a privilege of the Holy See, or from another to whom the Holy See has granted it, and from custom or prescription, which is not immemorial, because the latter is equivalent to a better title in the world, and therefore also to a title of foundation or endowment. The right of patronage, derived from justice, or from common law, is derived from three titles, namely, foundation, endowment, and land, according to that which is stated in the Glossary (in cap. 26, lib. 3, Decretal., tit. De iurepatr.): « A patron is made by a gift, a building, a land ». Compare De Luca (Compendium de iurepatr., n. 12-14). Hence, the right of patronage is acquired by construction, if someone has built a church with his own money; by foundation, if someone has provided land for the construction of a church; by endowment, if someone has given an endowment that is suitable and adequate for the expenses required for the preservation of the church and its ministers. He who has provided these three things alone is also made a patron, but if one has erected the church, another has provided the land, and another has given an endowment, all of these acquire the patronage in solidum, provided that the construction of the church has been carried out with the consent of the Bishop (Devoti, Ius can., lib. I, § 53). But it must be carefully noted, with Fagnano (Cap. Quoniam de Iurep., n. 34), that he who only builds a church does not acquire the right of patronage unless he himself or another also assigns a suitable endowment to him. For a church cannot be built without an endowment: indeed, the aforementioned author states that it must be established before the construction of the church, unless we are speaking of patrons who obtain the patronage together in solidum, as explained above. The reason is, according to Vecchiotti (Instit. can., lib. II, § 32), « because, just as the concession of land, without « the construction of the church, so also the construction, without an endowment to « support the ministers and to provide for worship, is almost useless ». Therefore, the Bishop cannot consent to someone building a church unless they establish an endowment (Conf. Santi, l.c., n. 17; Barbosa, De officio et potest. Episcopi, par. 3, alleg. 70). However, once the church has been properly constructed, the founder acquires the right of patronage by law itself, without any reservation or human concession, according to cap. 25

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of this title. Therefore, the Glossary states so eloquently: « To the founder, the right of « patronage is due by law itself, even if he does not request it, or if he does not « enter into an agreement » (ad cap. IX, De consec, dist. 1). The right of patronage can be acquired not only by the original means described above, but also by derivative means, such as cession, donation, inheritance, etc., provided that it is not a patronage expressly restricted to a certain class.

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis - Official Commentary, sem. Sed. As Devoti observes (1. c, n. 3), a donation, cession, or translation conferred upon a private individual requires the authority of a Bishop, whereas one conferred upon a church or monastery does not (cap. 8, h. t., cap. un. idem, in VI). The reason for this necessity, as explained in the decision of the Rotali Pisana - Altaris, July 1, 1587, before Gomitolo, is: "because the authority of the Bishop must intervene in the transfer of patronage, to see whether it is advantageous for the church to change its patron, and to avoid 'frauds and fictitious sales,' as the DD. state in the aforementioned chapter." Furthermore, for other reasons explained by Lambertini (De iurep., p. Il, art. 10), see also Soanen. -Benef., June 13, 1633, before Coccino; Ferrarien. - Iurisp., April 30, 1635, before Dunozetto. Regarding the proof of patronage, although the strict form prescribed by the Council of Trent (in cap. 9, sess. 25, De Bef.) for asserting patronage is omitted, the following must be observed, concerning the assertion of the rights of the powerful, which is not relevant in this case. Since every church is presumed to be free, the burden of proving patronage, which creates a certain servitude for the church, is transferred and rests upon the one asserting themselves to be the patron (Card. De Luca, L c, n. 53). But how is the acquisition of patronage proven? If we are dealing with the three titles mentioned above, the best evidence is a document showing that, with the consent of the Bishop, all the requirements for acquiring patronage have been fulfilled. Other supplementary proofs are also given, such as those found in the records of churches, but these must be unambiguous and, in general, do not prove anything when they concern directly the object in dispute, as the Rota has held on several occasions. Declaratory statements in a bull do not prove anything, when the main point of contention is the statement itself. The Rota, before Dunozetto, in Aprutina - Iurisp., June 10, 1624: "Declaratory statements do not prove anything, where the main point is to doubt the statement itself," before Verospio, in Nepesina - Tutelae, November 16, 1648; similarly, in Bremen - Praepositurae, July 7, such statements can be presented as presumptive or supplementary (Mascard, De probat., conci. 623, n. 29, De Luca, eod. tit., dis. 57). If, however, we are dealing with patronage derived from a privilege or from prescription immemorial, the proof consists of either documents granting the privilege, or of repeated presentations made from

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a time exceeding all memory. As for patronage derived from derivative means, especially concerning cession or donation, it must be proven that the transfer of such patronage was made with the consent of the Ordinary, and that it does not contradict the nature of patronage, whether it be of noble or familial origin. If, however, we are dealing with patronage attached to a fund or a real estate holding, or with a real patronage, this attachment must be further demonstrated.

[*Latin ed. p. 285*]

5′. Human Botany 285. Therefore, having considered these matters in law, the Lords have proceeded to examine the facts pertaining to the question at hand. Firstly, concerning the construction of the church or chapel of the Blessed Virgin Mary of Gratiarum, which was built by Father Aniello Nobilione, although on land purchased by his brother, Augustine, as stated in the genealogical records of both the Nobilione and Vuoso families (Summ., for Di Maio, 23-24), this is beyond dispute, as evidenced by a certain index in the archives of the Curia ("Record of beneficial acts of the city and diocese of Ischia"), in which the following is recorded: "Testaccio, 1748. Acts of the foundation of the 'Church of St. Mary of Gratiarum to be built by Father Aniello Nobilione'." This is further explained and elaborated upon in a petition presented by the same priest to the Holy See around the year 1751, in order to obtain permission to reserve the Most Holy Sacrament in the aforementioned church. In this document, it is stated that the church was built by Aniello at his own expense: "provided at his own expense," but it is also added that contributions were made by the charity and devotion of noble faithful: "illuminated by the charity and devotion of noble faithful," especially foreigners who were visiting that region for bathing at that time. Therefore, since the brothers Nobilione, one providing the land and the other building the church upon it, they appear to have acquired the rights of patrons by law. However, these matters were not considered of sufficient importance by the Lords to establish patronage, firstly because the construction of the church also involved the contributions of the faithful, and secondly because it is not certain whether a dowry was assigned by the Nobilione family, a deficiency for which consultation has been sought and is still being sought through the alms of the faithful, as the Ordinary himself testifies. And Aniellus, the sacristan, Di Scala, aged 75 years. The patron, Father Vuoso, argues from the following words of Gagliardi (De Iurep., chapter V) that such an assignment is not required: "The founder, when he obtains permission to build a church, acquires the patronage by law and by the very act itself." However, the aforementioned author states the following further on: "It is incumbent upon the founder not only to build the church and construct it on his land, but also to provide for those things that pertain to lighting, custody, and the sacred ministry,

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and the sustenance of the clergy serving in it... thus, and the builder of the church, or his heir, can be compelled to endow it or to supplement an insufficient endowment... and this endowment must arise only after the perfect and complete foundation and construction of the church" (as taught by Fagn., in chapter Quoniam de lurep.). Therefore, "without the constitution of an endowment, whoever builds a church, even on his own land, is a benefactor, but it cannot be said that he is a patron." Nor can this assignment of an endowment be deduced from the words of Joseph D'Ascia in his History of the Island of Ischia, published in 1868, on page 480, § 5, concerning the churches of the diocese, which states:

[*Latin ed. p. 286*]

286 Acta Apostolicae Sedis - Official Commentary on the Church of the Blessed Virgin Mary of Graces: "It was built by the Reverend Father Giorgio 'Napoleon' about a century and a half ago; and it is located in the center of the 'town'. Its shape is oval, and it connects to a building belonging to the 'founder': the income from this building was destined for its maintenance." This historical assertion, besides containing an error in the founder's name, is not supported by any document and therefore cannot claim any validity. Furthermore, to prove the patronage rights of the Nobilione family over the chapel of the Blessed Virgin Mary of Graces, two documents from the Sacred Visitation are cited, namely those of the years 1792 and 1826. In the first, it is stated: "On the same day, September 23, 1792... subsequently, the church of Saint Mary of Graces... regarding the patronage rights of the Nobilione family... and also other chapels..." In the second, dated July 5, 1826, the following is read: "Subsequently, (the Bishop) visited the church under the title of Saint Mary of Graces, regarding the patronage rights, as it is asserted, of Augustine Nobilione." This second expression, because it is tentative, "as it is asserted," diminishes the first; furthermore, it should be noted that in other documents of the Sacred Visitations that followed, there is complete silence regarding this patronage right of the Nobilione family, as the Chancellor of the Episcopal Curia states: "The Vice-Chancellor of the Diocesan Curia of Ischia certifies that in the documents of the Sacred Visitations carried out by the Bishops of Ischia, Monsignor Romano (1855), Mons. Di Nicola (1872-77), Mons. Portanova (1886-87), Mons. Palladino (1902-03-04), no mention is made of the patronage rights of the Nobilione family over the Church of Saint Mary of Graces in 'Testaccio'." On the contrary, a manuscript book is also presented, containing pious places and chapels subject to the payment of a tax in favor of the Seminary, and among these, the following is listed: "The chapel under the title of Saint Mary of Graces, endowed by the Most Reverend Mr. Aniello Nobilione." But, on the contrary, the Episcopal Curia testifies "that in the old Index, in which are noted the acts of foundation of benefices, churches, and chapels of the diocese of Ischia of the eighteenth century, in the acts of each foundation

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in which there is a right of patronage, this right is explicitly stated," and regarding this patronage right, no mention is made in the act of foundation of the chapel of the Blessed Virgin Mary of Graces, as has been seen above. Therefore, if at any time the expression of patronage rights is repeated, it is more likely to be due to a public, erroneous reputation, or better yet, to the fact that the Nobilione family simply appointed the chaplain of the chapel, without any presentation before the Ordinary, which simple appointment does not confer any right of patronage, according to the norms of the sacred Canons. But, even granting that Aniello Nobilione, through the mere construction of the chapel, without the granting of an endowment, acquired a right of patronage,

[*Latin ed. p. 287*]

In Rome, on the 28th of [month], as some canonists contend, it remains to be proven that the right of patronage passed to the Vuoso family, to which the canon Vuoso belongs. But this cannot be demonstrated, because in this case, the founding documents are lacking, to which one must refer in order to determine the nature of the patronage, according to Cardinal D'Annibale (loc. cit., n. 25, end) and Cardinal De Luca (Dis. 60, n. 15). Therefore, it is doubtful whether the asserted right of patronage is hereditary or familial, or mixed or real: from the statements in the acts of the Sacred Visitation, it would seem to be familial, agnatic; but this kind of patronage passes and cannot be transferred to outsiders who do not bear the family name, since, according to the founder's intention, it passes to the male descendants of the same, and remains with those who retain the family name, which did not happen with women who are married, who take their husband's name. Canon Vuoso contends that the disputed right of patronage passed to his family when the marriage was celebrated between Mary John Nobilione and Dominic Vuoso, one of his ancestors, in the year 1825, and that this occurred by title of dowry, as evidenced by the prenuptial agreement produced; but in this document, no mention is made of the cession of the right of patronage, which, as other things are omitted, could not have followed due to the lack of the Ordinary's consent. Nor can it be said that it passed, if we are speaking of a real right of patronage, by the cession of the land together with the existing chapel as part of the dowry; for this hypothesis is weakened by the fact that, in the year 1831, Augustine Nobilione, after the marriage of his daughter, John, to the aforementioned Dominic Vuoso, sold a portion of the land belonging to the aforementioned chapel, together with the wine cellars, to Blaise Di Jorio, as evidenced by the relevant document. Finally, the plaintiff appeals to the argument of prescription against the Nobilione family and its descendants, and attempts to prove this prescription by arguing that his family appointed rectors in the aforementioned chapel on several occasions; but, on the contrary, it is clear that only one appointment of a rector was made

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by the Reverend John Vuoso, in the year 1885, in the person of the Reverend January Di Scala. But this appointment was made by private authority, not by the ministry of the Curia for the presentation of the Reverend Vuoso. After the death of the Reverend Di Scala, the plaintiff, Joseph Vuoso, took possession of the rectory of the chapel, but without any prior presentation or canonical institution. Later, when Vuoso was promoted to the canonry in the Cathedral of Isolana, with the prior indication of the parish priest Di Maio, the then-current rector, the chaplain Di Jorio George, renounced the rectory, as evidenced by the declaration of the Vicar Capitular at that time: "After the death of the Reverend D. Gennaro Scala, no one was presented for the appointment of the new chaplain."

[*Latin ed. p. 288*]

Acts of the Apostolic See - Official Commentary 288 "Rector of said Church, nor even for the appointment of the last sacristan, the Reverend Father Giorgio Di Iorio, indicated and suggested by the parish priest of Maio." Therefore, the current situation does not favor the plaintiff claiming patronage in the chapel under the title of the Blessed Virgin Mary of Gracias, but rather favors its freedom; therefore, the alleged violation of patronage by the parish priest Di Maio, who, with the permission of the Curia, is carrying out repairs to the chapel, must be entirely rejected. Having considered and diligently pondered all of these things, we, the undersigned Auditors of Tournon, sitting for the tribunal and having only God before our eyes, invoking the name of Christ, decree, declare, and definitively pronounce judgment, answering the proposed questions: To I, Negative; to II, Adjourned to the first. Thus we pronounce, ordering the Ordinary authorities of the place and the officials of the tribunals, to whom it pertains, to enforce this our definitive judgment and to proceed against those who resist, according to the sacred canons and especially chapter 3 of the Council of Trent (Tridentini), session XXV, De Ref., using the executive and coercive means that are more effective and appropriate for the circumstances. Rome, in the seat of the Holy Roman Rota Tribunal, on the 8th of June, 1916. Joseph Mori, Presiding. Frederick Cattani Amadori. Raphael Chimienti. L.ffi From the Holy Chancery, on the 18th of August, 1916. Reverend Father Tani, Notary.

[*Latin ed. p. 289*]

Holy Roman Rota, May 10, 1917.

Citation of an edict concerning the nullity of marriage (Dubonays-de Cougny).

It is known from the testimony of the Archdiocesan Curia of Rhedonen that the woman, Joanna of Cougny, cannot be found. Therefore, the undersigned Auditor of the Holy Roman Rota, considering the matter in this cause, hereby peremptorily cites the aforementioned Joanna of Cougny to

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appear, either in person or through a procurator, at the seat of the Tribunal on August 7th of the current year, at the hour of 11, for the purpose of signing the following query, and also to determine the date on which the Rota session will be held for the purpose of defining the matter mentioned above; furthermore, it is declared that, if she does not appear, the process will be continued and concluded in her contumacy.

QUERY: Does it appear that there is a nullity in the marriage in this case?

The ordinaries of the place and all faithful persons to whom knowledge is known of the whereabouts of the aforementioned Joanna of Cougny are to take care, as much as they can, to ensure that she is informed of this edictal citation.

Given at Rome, on May 10, 1917.

Aloysius Sincero, Auditor.

L. S. From the Chancery, on May 10, 1917.

Johannes Ladelei, Notary of the Holy Roman Rota.

ACTA, vol. IX, n. 6. — 1-6-1917. 19

[*Latin ed. p. 290*]

290 Acta Apostolicae Sedis - Official Commentary, Translation. TRIBUNAL OF THE HOLY ROMAN ROTA, ROME. Citation by Decree RHEDONEN. NULLITY OF MARRIAGE (DUBONAYS-DE COUGNY). As it appears from several investigations conducted within the Archdiocesan Curia that the aforementioned defendant, Yvonne de Cougny, cannot be found, the undersigned Auditor of the Rota, presiding in this cause, peremptorily cites the aforementioned Yvonne de Cougny, by this present decree, to appear personally, or by a duly constituted procurator, at the seat of the Tribunal of the Holy Roman Rota on August 7, 1917, at eleven o'clock, in order to address the doubt reported below, and to determine the date for the presentation of the cause before the Rota, further declaring that, if she does not appear, the Canonical process will be continued and concluded in her absence. DOUBT: Is there evidence of the nullity of the marriage in the present case? The Ordinary of the place and the faithful who may have knowledge of the residence of the aforementioned Yvonne de Cougny should, insofar as possible, ensure that she is informed of this citation. Given at Rome, May 10, 1917. Aloysius Sincero, Presiding. L. © From the Chancery, on May 10, 1917. Ioannes Ladelei, Notary of the Holy Roman Rota.

[*Latin ed. p. 291*]

Apostolic Signature 291. THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURE AT OSTIA. EMPHYTEUSIS.

In the Ordinary Session held in the offices of the Most Eminent and Reverend Father Michael Cardinal Legate, Prefect, on January 13, 1917,

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with the attendance of the Secretary Father, several Bishops, and Referendaries, among other matters, the petition of Angelo Paolini was examined, requesting that a commission be signed, whereby the Holy Roman Rota would judge the matter of the emphyteusis right of the aforementioned in the estate belonging to the Episcopal Curia of Ostia. The result was a decree of rejection of Angelo Paolini's petition, as it was entirely without foundation. The petitioner requested that the decision be reconsidered, but in the Session held on March 10th of the same year, it was decreed: "The decision stands, and is hereby confirmed." The decision in question reads as follows:

By a public instrument dated July 25, 1797, the Episcopal See of Ostia, which at that time was held by the Most Eminent Cardinal Albani, granted to the brothers Vincent and Joseph Paolini, by a contract of emphyteusis, the Ostian estate belonging to the same See, "to them and to their male descendants for three generations, beginning with the first generation from the sons of the aforementioned Giuseppe and Vincent." The brothers Paolini were obligated, not only to pay the canon, but also to make certain improvements, and to pay the sum of five thousand livres immediately to the Episcopal See of Ostia as an entrance fee.

In the year 1809, Vincent Paolini and his minor son, and also some of the surviving sons of Joseph, his deceased brother, were still living. On August 13, 1809, by a public instrument, Vincent, with the consent of his nephews and his own son, and with the consent of the Most Eminent Bishop of Ostia, alienated the emphyteusis for the sum of 25,000 livres to the Canori brothers. Meanwhile, Vincent's son died without issue, and of the sons of Joseph, only Philip had a son, who was named Joseph. This Joseph had two sons, namely Philip and Angelo, who is the last, and the plaintiff in this case, born in 1854. These two represent the third generation in this case. Philip and Angelo have been in possession since 1866.

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis - Commentarium Officiale. They began to contend that the alienation by emphyteusis, carried out by his predecessor Vincent, had been null, as if they could not be deprived of the joy which they could not rightfully or validly enjoy, since they succeeded to the right by virtue of the emphyteusis contract. However, when the brothers Canori failed to fulfill the obligations by which they were bound, the emphyteusis of the Episcopal See of Ostia reverted, and was granted by the same See to Prince Aldobrandini. But the brothers Paolini persisted in their claim to the emphyteusis of Ostia. In the year 1868, Philip Paolini died. And since Angel Paolini continued the litigation, on March 30, 1871, a public agreement was concluded between the Episcopal See of Ostia and Prince Aldobrandini on the one hand, and Angel Paolini on the other, by which the Episcopal See of Ostia was obligated to pay Angel Paolini an annual sum of 4031.25 lire; and

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Prince Aldobrandini, in turn, paid Angel 5375 lire for one time. However, because Angel Paolini began to challenge the validity of the agreement itself, on May 17, 1889, an agreement was reached between the parties by a public instrument, whereby Angel Paolini agreed to ratify the aforementioned agreement and to renounce his claimed rights, provided that Prince Aldobrandini granted him a loan of 50,000 lire; which was immediately done. Despite these circumstances, Angel Paolini did not relinquish his claim to the emphyteusis of Ostia, and, without obtaining any permission from the ecclesiastical authority, he brought the Episcopal See of Ostia and Prince Aldobrandini before a secular judge in all instances of jurisdiction, up to and including the Supreme Tribunal called "Cassazione," but he was consistently condemned by the secular judge. Today, he appeals to the Supreme Tribunal of the Apostolic Signatura, seeking to have his alleged right examined before the Holy Roman Rota; affirming that neither the agreement of March 30, 1871, nor its confirmation of May 17, 1889, were valid. Then, both the Bishop of Ostia and Prince Aldobrandini, having taken note of these circumstances, strongly requested that the petitioner's request be rejected outright. Although this Supreme Tribunal does not resolve the issue on its merits, in order for the petition of the Pontifical Commission to be admitted, it must at least not appear to be completely devoid of any legal basis, and the right that the petitioner asserts to belong to him must be supported by at least some plausible legal basis. After careful consideration, this Supreme Tribunal decided to reject the petition of Mr. Angel Paolini, finding it to be completely devoid of any legal basis, based on both extrinsic and intrinsic arguments.

[*Latin ed. p. 293*]

Signatura Apostolica 293 Concerning extrinsic arguments: 1) The Sacred Tribunal observes that Angelus Paolini, having obtained no ecclesiastical permission, has fruitlessly invoked his supposed right in three degrees of lay jurisdiction against the Episcopal Board of Ostia, acting deceitfully and contrary to his own actions. However, no one ought to derive advantage from their own deceit, and the deceit of one ought not to harm another (Neratius, 1. II, pr. Digest., de doli mali exceptione, 44, 4). Therefore, the rescript requested by him could immediately be denied for this reason. Nor would it benefit him to seek and obtain forgiveness for the fault committed. For, if the fault of one causes injury to a third party, obtaining forgiveness from the penalty does not free the guilty party from the penalty, but does not deprive the third party of what is due to him. 2) But even if this is set aside, a pre-judicial and peremptory exception of prescription applies against the petitioner. For he himself effectively did not challenge the transaction of March 30, 1871, before the ecclesiastical authority, but rather, in 1889, he confirmed the transaction initiated by the contract of May 17. And even if time is counted from his majority, namely from 1875 (since he was

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born in 1854), nevertheless it is clear that he effectively, namely for 42 years, did not challenge the transaction completed by the condemnation of the Episcopal Board, a period which is more than sufficient to establish prescription against him. We said effectively; for extrajudicial complaints are not sufficient to interrupt prescription. Indeed, interruption of prescription is both natural and civil. Natural interruption occurs when one of the essential elements of prescription is lacking, either because the person prescribing has lost natural and civil possession, or because the possessor becomes a man of bad faith. Which, in our case, certainly did not happen due to the extrajudicial complaints of Angelus Paolini. Civil interruption, on the other hand, takes place through litigation, indeed, even through the presentation of a complaint, provided that a judgment of condemnation follows. Therefore, if the victorious possessor withdraws from the judgment, or if the judgment is concluded by a transaction, prescription continues as if the question had never arisen (Santi, Praelectiones in this place, and throughout all Doctors). Therefore, since there is no doubt that the Episcopal Board of Ostia has been in possession by virtue of the initiated transaction since 1871, whatever may be the validity of this transaction, it is certain that it was subject to prescription against Angelus Paolini, and since, until this day, this prescription has not been effectively interrupted by the aforementioned Angelus Paolini, it is certain that at least by prescription, he obtained what was the object of that transaction. And it cannot be doubted that, even setting aside a very long, indeed a very long time, something may be lacking in the case that is necessary for prescription to occur.

[*Latin ed. p. 294*]

294 Acta Apostolicae Sedis - Commentarium Officiale 3) Finally, the fact that Angelus Paolini was condemned in three instances by the lay tribunal in this case, strongly suggests that his petition lacks a legal basis, especially since the matter concerns a purely civil issue, in which a lay judge with legal expertise is entirely presumed to possess the necessary knowledge, and the only reason for the involvement of an ecclesiastical court is the ecclesiastical status of the parties involved. This presumption means that Angelus Paolini's petition is presumed to be without legal basis, until contrary arguments are presented that refute or at least significantly diminish this presumption by Dominus Paolini. Since Angelus Paolini has not presented such arguments, it is legally correct to reject his petition for this reason as well. If we examine the intrinsic arguments, we arrive at the same conclusion. Indeed, even when considering the merits of the case, Angelus Paolini's petition appears to be entirely without legal basis. The transaction of March 30, 1871, confirmed by the contract of May 17, 1889, must undoubtedly be considered valid, both because the documents demonstrate its validity, and because the arguments presented by Angelus Paolini against it are clearly unfounded. A) The documents pre-

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sented clearly demonstrate the validity of the transaction. Indeed, from the documents presented by Angelus Paolini himself, it is evident not only that the object of the transaction of March 30, 1871, but also that the subject of the same transaction was entirely suitable for legal proceedings. § I. Suitable object. Firstly, we observe that a transaction is defined as "an agreement regarding a doubtful matter and an uncertain dispute, and not a gratuitous decision" (cf. Santi, Praelectiones, de Transactionibus, lib. I, tit. 36, n. 1; cf. lib. I, Digestorum H. T., and throughout all the Doctors). In the present case, the right claimed by Angelus Paolini was manifestly at least doubtful. Indeed, 1) it was doubtful whether the emphyteusis of 1797 was contractual, that is, based on a contract, or hereditary, as Angelus Paolini's opponents contended, even if the hereditary right in the emphyteusis was limited to male descendants, since the ecclesiastical emphyteusis was in question. An emphyteusis is considered contractual, either by contract or by grant, when it is granted for oneself, sons, and grandsons without mention of heirs (Inter recentiores Dec. 373, n. 1, part. 17; Dec. 74, n. 1, part. 6, etc.). In a contractual emphyteusis, the right of representation is not admitted, but each generation succeeds to the emphyteusis with its own right (Inter recentiores Dec. 239, n. 10, part. 15), and therefore each generation succeeds to the emphyteusis not by hereditary right, but by the right of contract (Inter recentiores Dec. 230, n. 4 et alibi). Conversely, in a hereditary emphyteusis, the succession is by right of representation.

[*Latin ed. p. 295*]

Decree Apostolic 295 establishes that a usufruct can be transferred to heirs, even those outside the family; however, this does not apply to ecclesiastical usufructs, in which case the consent of the granting authority is required (see *Inter Recentiores*, Decree 221, n. 1, p. 6; Decree 211, n. 3 and 13, part 6; Decree 363, n. 1, part 19, vol. 1; Decree 52, n. 9, part 19, vol. 1; Decree 225, n. 34 and following, part 17; Decree 25, n. 10, part 6). Furthermore, in a hereditary usufruct, the first holder can alienate it, even to the detriment of other potential heirs or those involved in the grant (see *Inter Recentiores*, Decree 167, n. 14 and 17, part 9, vol. 1). This also applies to ecclesiastical usufructs, provided the consent of the ecclesiastical authority is obtained (see Decree 460, n. 9, part 19, vol. 2). Generally speaking, a usufruct cannot be alienated if it is based on a contract, because, as we have said, the heirs succeed to the right by law. Given these premises, it was doubtful whether the usufruct of July 25, 1797, was hereditary or contractual, and therefore whether it could be alienated or not. If one examines the document of July 25, 1797, the following words are found: "The Bishopric of Ostia gives and grants to the aforementioned brothers Giuseppe and Vincenzo Paolini, jointly and severally, and through them to their children of the third generation," etc. These words "through them" clearly indicate that the children acquire the usufruct by right of representation, and therefore, in the case

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of a hereditary usufruct, which is alienable.

2) Furthermore, even if the usufruct in question was based on a contract, it was still doubtful whether it could legitimately be alienated to the brothers Canori. For although a usufruct based on a contract cannot generally be alienated to the detriment of the heirs, it is nevertheless permissible to alienate it if the usufruct is burdensome (see Cardinal De Luca, *De Emphyteusi*, discourse 2; *Inter Recentiores*, Decree 176, n. 20, part 5, vol. 1). It can be deduced from the contract of July 25, 1797, that the usufruct was burdensome, since it not only included extraordinary improvements, but also a canon above the ordinary rental price, and even the immediate payment of 5000 livres. In any case, it was certain that the usufruct was burdensome, and therefore alienable, and for this reason, the object of the transaction could have been legally valid, even if Angelus Paolini contested it.

3) In addition, even if we disregard whether the usufruct in question was based on a contract or was hereditary, whether it was burdensome or not, it is certain that Vincent Paolini could have alienated it to the brothers Canori during his lifetime. However, while Vincent was still alive, that is, before the third generation was called to the usufruct, the usufructuary property was transferred to the Episcopal See of Ostia due to the culpable delay of the brothers Canori; and this transfer, according to Prince Aldobrandini, should also harm the heirs, because their right was subject to the condition that the predecessors to the contract...

[*Latin ed. p. 296*]

296 Acta, Apostolicae Sedis - Official Commentary on obligations fulfilled. Whatever may be said regarding this matter, it is certainly clear to everyone that some legal basis existed, and therefore, even in this respect, the transaction was a legitimate object of consideration. 4) Furthermore: it does not impede that the emphyteusis had been alienated to the Canori brothers not only by the original purchaser, but also by Vincent Paolini (the aforementioned Joseph), and by the sons of Joseph, and also by the minor son of Vincent himself. Indeed, from a document dated July 25, 1797, we learn that the emphyteusis was granted in its entirety to the brothers Vincent and Joseph, and by them to their sons, grandsons, etc. The doctrine of law states that whenever an emphyteusis is granted in its entirety, those called upon have the right to inherit, so that the emphyteusis does not pass to the next generation unless those called upon are completely excluded by law. Therefore, upon the death of Joseph, his share accrued to Vincent, and Vincent alone, without requiring the consent of others, could alienate the hereditary or onerous emphyteusis (Cardinal De Luca, De Emphyteusi, discourse 20, n. 30), as the original purchaser. Indeed, even from this point, the alleged right of Angel Paolini could have been disputed; and therefore, the question could also have been a legitimate object of consideration under

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this respect. § 2. But also, the subject of said transaction was also suitable. The reason for doubt would be that Angel Paolini was 17 years old on March 30, 1871, and therefore was a minor. But from the very instrument of the transaction, we know that Angel Paolini not only had the support of his paternal grandmother, but also of the legal representatives of the Venerable Archiconfraternity of Charity established in the Church of Saint Jerome in Rome; indeed, in the aforementioned document it is written: "The transaction came about after various discussions with the legal representatives of the aforementioned Angel Paolini... and also out of deference to the venerable Congregation of St. Jerome, the Cardinal Bishop of Ostia agreed to an amicable transaction whereby a perpetual silence would be imposed on the pending dispute and any other that might arise in the future regarding this matter, and Angel Paolini would renounce any right that might belong to him deriving from the aforementioned instrument in the Parmeggiani archives, and in return, the Mensa [ecclesiastical fund] would obligate itself..." Furthermore, in 1889, on March 1st, having reached the age of 35, Angel Paolini freely and fully confirmed the transaction of 1871, under the conditions fully obtained. Indeed, in the contract of March 1, 1889, Angel Paolini: 1) Received from Prince Aldobrandini, of Fondi Ostiensis, the sum of 50,000 lire as a loan. 2) With the favor of Prince Aldobrandini, Angel Paolini ceded the annual sum that, by virtue of the transaction of 1871,

[*Latin ed. p. 297*]

297. He received from the Episcopal Table, until the extinction of said loan, interest and taxes.

3. The Reverend Chamber of Spoils, and through the Episcopal Table of Ostia, recognized this cession of Angelo Paolini with the favor of Prince Aldobrandini, and indeed, guaranteed that it would pay the aforementioned sum to said Prince if Angelo Paolini were to die before the loan was extinguished, and that it would do so without any right of recourse against the heirs of said Paolini, until the total extinction of said loan.

4. In article 8 of the aforementioned instrument, it is written: "In return, Paolini declares that he formally ratifies and confirms the agreement of March 30, 1871, and consequently, he renounces, as he does renounce, any and all rights, reasons, and claims that may be due to him or could be due to him for the reinstatement and possession of the full dominion of the property of Ostia, in dependence on the original emphyteutic concession to the third male generation made to his ancestors by the instrument of Parmeggiani on July 25, 1797, and exercisable both against the Diocesan Episcopal Table and against the person of the Most Reverend Emphyteuta."

B. The arguments presented against, by Angelo Paolini himself, are to be considered as lacking a solid foundation. Indeed, he himself alleges:

1. That the agreement of 1871 was initiated when he was of a lesser age. But it is noted that he not only had the presence of his paternal grand-

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mother, but also the support of the legal Congress of the Archconfraternity of Saint Jerome. Indeed, when he was of a greater age, namely in the year 1889, he freely confirmed the agreement of March 30, 1871, with a new contract (and indeed, for the benefit of the Episcopal Table of Ostia and the Emphyteuta himself).

2. He alleges that he suffered a serious injury through the agreement of 1871. But it must be noted that:

1. He confirmed the agreement of 1871 with new benefits obtained, namely a loan of 50,000 lire, with special and favorable conditions. Therefore, even if it is granted that he suffered a serious injury from the agreement of 1871, he nevertheless sufficiently compensated himself with the stipulation of 1889, at least tacitly declaring it so.

2. Furthermore, in March 1871, the Italian Code was in force, according to which it is forbidden to allege a serious injury in agreements. And if the matter is considered according to the norms of canon law, the question is whether a serious injury is a sufficient cause to impugn an agreement already entered into. Indeed, since a serious injury can only be measured by certain law, the agreement, on the contrary, can be uncertain not only as to its extent, but also as to its very existence. The most eminent Santi (in his Lectures, Reiflenstuel, H. L. n. 59) concludes: "We admit that this is very difficult in practice, and therefore it is a difficult case to rescind an agreement."

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis - Official Commentary, concerning "the enormous injury." However, it is not proven that Angelus Paolini suffered an enormous injury in the transaction. Furthermore, it is established that Angelus Paolini, on March 30, 1871, obtained permission from the Tribunal, and also from the legal Congress of the Archiconfraternity of St. Jerome, to enter into the aforementioned transaction, and that the transaction was approved by his two relatives, as required by Pontifical legislation. 3) Thirdly, he argues that in both contracts, namely those of March 30, 1871, and March 1, 1889, he did not act as the heir of his deceased brother, Philippi. But it is easily answered that he renounced, in both of the aforementioned contracts, all of his claimed rights, however they might pertain to him, especially because the claimed rights of the deceased brother were the same as those which he himself asserted, and the transaction extended to the entire emphyteutical right claimed by him. He could not claim this unless he himself acted as the heir of the deceased brother. 4) Finally, Angelus Paolini accuses of falsity the instrument of March 1, 1889, by which he confirmed the transaction of 1871 and renounced his claimed rights in the Emphyteusis of Ostia, because the conditions stipulated in the Decree of the Sacred Congregation of the Council of March 1 were not observed in the instrument of May 17, 1889. But this is unfounded. For when Prince Aldobrandini, the

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new emphyteuta, offered Angelus Paolini a loan of 50,000 lire, as he then requested, Angelus Paolini presented a new petition to the Apostolic See, in which he declared that he had accepted said loan "in corrispettivo della piena ratifica" [as compensation for the full ratification] of the transaction of March 30, 1871, and of the renunciation of "every and any" right on the part of the petitioner regarding the Emphyteusis of Ostia. Consequently, Angelus Paolini requested that the Reverend Chamber of Spoils and the Episcopal Table of Ostia be obligated "in every event, and therefore even if Paolini were to die and until the extinction of the loan, to guarantee the annual payment of three thousand lire (which were due to Angelus Paolini by virtue of the transaction of 1871), and that Angelus himself, in the extinction of said loan, would cede [them] to Prince Aldobrandini, without recourse to his heirs." On March 1, Angelus Paolini obtained a decree from the Sacred Congregation of the Council, by which the Eminence, Cardinal, President of the Chamber of Spoils, was authorized to grant the requested guarantee, even in the name of the Episcopal Table of Ostia, until the total extinction of the loan, without recourse against the heirs of Angelus Paolini, should he, before the loan was extinguished, die. However, if the instrument of March 17, 1889, is examined, it is evident that the conditions of the aforementioned decree were fulfilled. And the Reverend President of the Chamber of Spoils signed this instrument, and in the aforementioned instrument, it is declared that the Pre-

[*Latin ed. p. 299*]

The Apostolic Signature 299 indicates that the Chamber of Spoils accepted the obligation of caution, also known as the Mensa Episcopalis of Ostia, as the Decree of the Sacred Congregation of Councils granted it this authority; it is evident that the Decree of the Sacred Congregation of Councils obtained full execution, according to the will of the aforementioned Angelus Paolini. Furthermore, Angelus Paolini himself confesses that, before the drafting of said instrument, the Decree of the Sacred Congregation of Councils was shown to him, and indeed, he would not have signed the instrument if all things had not been done in accordance with said Decree. But even if it were granted, and the instrument was indeed drawn up on March 17, 1889, in accordance with said Decree, nevertheless, because the Decree of the Sacred Congregation of Councils contained the favor that Angelus requested, and to which he himself could have renounced, and since it is established that he freely and knowingly signed the aforementioned instrument, it is evident that he renounced the Decree and would today, not without deceit, impugn the validity of the contract based on its alleged falsity. Therefore, from the foregoing, it is clearly deduced that the petition of Angelus Paolini was entirely devoid of any legal basis. Given from the offices of the Sacred Tribunal, on the 30th day of the month of March, 1917. Franciscus Solieri, Voting Member of the Signature. VISITED,

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Evaristus Lucidi, of the Secretariat. L. $ S. Aloysius Scialdoni, Notary.

[*Latin ed. p. 300*]

300 Acta Apostolicae Sedis - Official Commentary. SACRED CONGREGATION FOR RELIGIOUS ORDERS. NOTICE OF COMPETITION. In the Sacred Congregation for Religious Orders, on the 25th day of the coming month of June, at the hour of 8, a competition will be held for a vacant position of Minor Official. Those ecclesiastics who desire to participate in this competition must, by the 18th of June, present to the Secretariat of the Sacred Congregation an application accompanied by the necessary qualifications for admission. Rome, from the Secretariat of the Sacred Congregation for Religious Orders, 22nd of May, 1917. Adolfo, Bishop of Canopo, Secretary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH - APPOINTMENTS. By decree of the Most Reverend Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, the Holy Father has deigned to appoint: 16th of May, 1917. Monsignor Bartolomeo Cattaneo, Rector of the Urban College of the Propagation of the Faith, as Apostolic Delegate for Australasia. SACRED CONGREGATION FOR RITES. PREPARATORY AND NEW-PREPARATORY CONGREGATION. On Tuesday, the 8th of May, 1917, before the Most Reverend and Illustrious Cardinal Granito Pignatelli di Belmonte, Promoter of the Cause of Beatification and Canonization of the Venerable Giovanna Antida Thouret, foundress of the Institute of the Sisters of Charity, the Preparatory Congregation of the Sacred Rites was held; in which the Reverend Prelates, Officials, and theological Consultors discussed the doubt concerning the heroism of the virtues exercised by the same Venerable Servant of God. On Tuesday, the 22nd of May, in the Apostolic Palace of the Vatican, with the participation of the Most Reverend and Illustrious Cardinals, and with the votes of the Reverend Prelates and theological Consultors, who comprise the Sacred Congregation for Rites, a New-Preparatory Congregation was held to discuss two miracles which are asserted to have been wrought by God through the intercession of the Blessed Margherita Maria Alacoque, professed nun of the Order of the Visitation of the Most Holy Mary, and which miracles are proposed for the Canonization of the same Blessed.

[*Latin ed. p. 301*]

From the Roman Curia Diary, 301. SECRETARY OF STATE. By means of letters from the Secretary of State, the Holy Father has deigned to appoint:

March 7, 1917. The Reverend Father Gennaro Bucceroni, of the Society of Jesus, as Consultor to the Holy Congregation Consistorial.

April 29. His Eminence, Cardinal Gennaro Granito Pignatelli di Beimonte, as Protector of the Church of the Holy Martyrs Alexander and Bartholomew, and of the Cerasoli College in Rome.

April 30. His Eminence, Cardinal Aidano Gasquet, as Protector of the

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Daughters of Our Lady of Compassion (New Zealand).

May 3. His Eminence, Cardinal Raffaele Merry del Val, as Protector of the Institute of the Sisters of Charity of the Hospital of Saint Jacinta.

May 4. His Eminence, Cardinal Gennaro Granito Pignatelli di Beimonte, as Protector of the Tertiary Capuchin Sisters who minister to the sick, of Loano.

His Eminence, Cardinal Vittoriano Guisasola y Menendez, Archbishop of Toledo, as a Member of the Holy Congregation of Rites.

May 6. Monsignor Bonaventura Cerretti, titular Archbishop of Corinth, as Secretary of the Holy Congregation for Extraordinary Ecclesiastical Affairs.

May 9. His Eminence, Cardinal Guglielmo van Rossum, as Protector of the Grey Nuns of Saint Elizabeth, of Breslau.

His Eminence, Cardinal Giovanni Cagliero, as Protector of the Venerable Confraternity of the Devotees of Jesus at Calvary.

May 10. His Eminence, Cardinal Donato Sbarretti, as Protector of the Sisters of Charity of Leavenworth (St. U. d'Am.).

Monsignor Giovanni Prior, Auditor of the Holy Roman Rota, and the Reverend Father Giovanni Moraleda, of the Order of Friars Minor, as Consultors to the Holy Congregation of the Council.

May 14. His Eminence, Cardinal Donato Sbarretti, as Protector of the Sisters of the Charity of the Incarnate Word, of Galveston (Texas).

[*Latin ed. p. 302*]

302 Acta Apostolicae Sedis - Official Commentary, May 21, 1917. The Most Reverend Cardinals Giulio Tonti and Donato Sbarretti, Members of the Cardinal Commission for the Administration of the Goods of the Holy See.

The Most Reverend Cardinal Oreste Giorgi, Protector of the Sodality of Saint Michael the Archangel for Runners, in Rome.

24

The Monsignors: Salvatore Talamo, Francesco Zanotto, and Giovanni Prior; the Reverend Fathers Abbots: Arcangelo Lolli, General Procurator of the Regular Canons of the Lateran Palace; and Lorenzo Janssens, of the Benedictines; the Reverend Fathers: Serafino Cimino, General Minister of the Order of Friars Minor; Ildebrando Höpfl, of the Benedictines; Giuseppe Lemius, General Procurator of the Oblates of the Immaculate Mary; Urbano Alvarez, General Assistant of the Roman Order of Saint Augustine; Pietro Vidal, of the Society of Jesus; and Carlo Maignen, of the Brothers of Saint Vincent de Paul, Qualifiers of the Supreme Holy Congregation of the Holy Office.

The Reverend Father Serafino Cimino, General Minister of the Order of

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Friars Minor, Consultant of the Holy Congregation of Religious Orders.

The Reverend Father Alessio Bertoni, General Secretary of the Order of Friars Minor, Consultant of the Holy Congregation of the Sacraments.

25

The Most Reverend Cardinal Andrea Frühwirth, Protector of the Venerable Archiconfraternity of Mary Most Holy of the Rosary, established in the Church of Saint Clement in Rome.

26

Monsignor Alfonso Carinci, Rector of the esteemed Capranica College, Consultant of the Holy Congregation of Rites for the Holy Liturgy.

29

Monsignor Carlo Respighi, Apostolic Protonotary "in the manner of Participants," and Coadjutor with future succession to Monsignor Francesco Riggi in the office of Prefect of the Pontifical Ceremonies.

[*Latin ed. p. 303*]

From the Roman Curial Diary:

By Apostolic Briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries, as if participants:

February 26, 1917. Monsignor Daniele M. Gorman, of the Archdiocese of Dubuque.

April 29. Monsignor Raffaele Deschamps, of the Diocese of Moulins.

May 8. Monsignor Paolo Emilio Moinhas de Vilhena, of the Diocese of Campanha.

May 11. Monsignor Carlo Billebault, of the Diocese of Nevers.

Domestic Prelates of His Holiness:

February 27, 1917. Monsignor Arturo Clark, of the Archdiocese of Dubuque.

April 29. Monsignor Leopoldo Capitani, substitute of the Regent of the Apostolic Chancery.

May 10. Monsignor Nicola Frazioli, of the Archdiocese of Sassari.

May 11. Monsignor Patrizio M. Cushnahan, of the Diocese of Salt-Lake.

HONORS:

By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, civil class, Commander:

May 3, 1917. To Mr. Paolo Amedeo Andrea Hardouin-Duparc, of the Diocese of Le Mans.

To Mr. Maurizio Jauneau, of the same diocese.

May 5. To Mr. Giacomo Bennet, of San Giuseppe di Costa Rica.

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May 8. To Mr. Giuseppe Luigi Pascual de Zulueta, of the Diocese of Barcelona.

The Order of Saint Gregory the Great, civil class, Knight:

April 13, 1917. To Mr. Pietro Ermanno Eras, of the Diocese of Bois-le-Duc.

April 26. To Mr. Wolberto Giovanni Vinke, of the Archdiocese of Utrecht.

May 1. To Mr. Pietro Maas, of the same diocese.

May 9. To Mr. Vittorio Scabbia, of the Archdiocese of Ferrara.

May 10. To Mr. Giuseppe la Couture, of the Diocese of Troyes.

May 13. To Mr. Guglielmo Da Re, of the Archdiocese of Milan.

May 15. To Mr. Giuseppe Girelli, official of the Apostolic Dataria.

To Mr. Michele Pecci, official of the Apostolic Dataria.

To Mr. Livio Carimmi, official of the Apostolic Dataria.

To Mr. Giuseppe Sterbini, official of the Apostolic Dataria.

[*Latin ed. p. 304*]

304 Acta Apostolicae Sedis - Official Commentary. The Commandery of the Order of St. Sylvester the Pope: May 10, 1917. To Mr. Gaetano Dupré, of Rome. The Knighthood of the Order of St. Sylvester the Pope: April 26, 1917. To Mr. Valentino Moretti, of Rome. To Mr. Fabio Alessandroni, of the diocese of Sabina. May 15. To Mr. Engineer Giuseppe Gallo, of the archdiocese of Turin.

THE MAJORDOMO OF HIS HOLINESS. By Letters from His Eminence, the Monsignor Majordomo, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness: April 5, 1917. Monsignor Filippo Bonacci, of the archdiocese of Chieti. May 4. Monsignor Angelo Cataldi, of the archdiocese of Genoa. Monsignor Clemente Malfatti, of the same archdiocese. Monsignor Emanuele Carlo de Seixas Rabello, of the diocese of Campanha.

Honorary Chamberlains in purple attire of His Holiness: April 19, 1917. Monsignor Giuseppe Arnoldo Ghislino Suijs, of the diocese of Bois-Ie-Duc. May 10. Monsignor Tommaso Occhioni, of the archdiocese of Fermo. May 16. Monsignor Federico Gambucci, of the diocese of Gubbio. Monsignor Giovenzio Bristo, of the same diocese. Monsignor Adalberto Sobral, of the same diocese.

NECROLOGY. May 6, 1917. Monsignor Tommaso Carr, Archbishop of Melbourne. May 20. Monsignor Giulio Gazaniol, titular Bishop of Modra. Monsignor Giulio Chatron, Bishop of Osaka (Japan). Monsignor Giovanni Drure, Archbishop of Baghdad, of the Latin Rite.

[*Latin ed. p. 305*]

Acts of the Apostolic Commentary, Official Publication. Acts of Pope Benedict XV. Encyclical Letter concerning the preaching of the Divine

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Word to Patriarchs, Primates, Archbishops, Ordinary Bishops, those holding positions with the Apostolic See, and others.

BENEDICT XV, to our Venerable Brothers, greetings and the Apostolic Benediction.

The redemption of the human race was accomplished by Jesus Christ, who, having completed His work on the altar of the Cross, desired to bring men to such a state that, by obeying His commandments, they might become partakers of eternal life. He employed no other means than the voice of His heralds, who proclaimed to the entire human race those things that were necessary for salvation, to be believed and practiced. God willed to save believers through the foolishness of preaching.

Therefore, He chose Apostles, and, having infused them with the gifts of the Holy Spirit suitable for so great a task, He said to them: "Go into the whole world and preach the Gospel." This preaching indeed transformed the face of the earth. For, if the Christian faith converts the minds of men from manifold error to truth, and moves hearts from the filth of vices to the excellence of all virtues, it certainly...

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis – The official commentary states: Faith comes from hearing, and hearing from the word of Christ. Therefore, since, by the will of God, things are preserved for the same reasons for which they were created, it is clear that the preaching of Christian wisdom is divinely employed to continue the work of eternal salvation, and that it ought rightly to be considered in matters of the greatest importance; and therefore, the utmost care and consideration must be given to it by Us, especially if, in some respect, it seems to be failing, to the detriment of its efficacy. Indeed, venerable brothers, this is something that is added to the other miseries of these times, for which We are concerned before others. For, if we look around, we see how many are engaged in preaching the word of God, and the number is so great that it perhaps has never been so before. But if we consider the state of morals and customs of the people, both publicly and privately, we see that day by day, things that are contrary to nature are increasing, contempt and oblivion are growing; and that, little by little, people are departing from the severity of Christian virtue, and are making greater and greater progress each day towards the infamous life of the pagans. Indeed, there are many and varied causes for this, but no one can deny that it is to be lamented that these evils are not sufficiently remedied by the ministers of the word. Has the word of God ceased to be that which the Apostle said it is, living and powerful and sharper than any two-edged sword? Has the edge of this sword been dulled by long use? It is certainly due to the fault of the ministers who do not handle this sword as they ought, if it does not exert its power in all places. For it cannot be said that the Apostles lived in better times than we, as if there were then more docility

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to the Gospel, or less stubbornness against the divine law. Therefore, We understand that, mindful of the duties of our apostolic office, and encouraged by the example of Our two predecessors, We must devote ourselves to this task with the utmost diligence, for the sake of the importance of the matter, so that the preaching of the divine word may be brought back to its proper standard, according to 1 Romans 10, 17.

[*Latin ed. p. 307*]

Acta of Pope Benedict XV, 307, which must be observed everywhere, in accordance with the commands of our Lord and the statutes of the Church. Firstly, venerable Brothers, let us inquire: for what reasons is this matter sometimes diverted from the proper path? It appears that these reasons can be reduced to three: either someone is taken on for preaching who ought not to be; or the task of this ministry is not carried out with the diligence that is due; or it is not carried out in the manner that is fitting. For, according to the teaching of the Council of Trent, the ministry of preaching is principally that of Bishops. The Apostles, indeed, whose place the Bishops now hold, considered this to be the most important part of their duty. Thus, Paul: "For Christ sent me not to baptize, but to preach the Gospel." And the other Apostles held this opinion: "Then the twelve, calling together the multitude of the disciples, said: It is not reason that we should leave the word of God and serve tables." Although this is the proper duty of Bishops, nevertheless, because of the various cares in the governance of their churches, they are not always, nor indeed ever, able to perform this office themselves; therefore, it is necessary that others also fulfill this duty. Therefore, whoever, besides the Bishops, is engaged in this ministry, should not do so unless a Bishop is present. Let this first law be established: that no one shall be permitted to undertake the ministry of preaching spontaneously; but that everyone who undertakes it must have a legitimate mission, which, unless it comes from a Bishop, cannot be granted: "How shall they preach, unless they are sent?" For the Apostles were sent by Him who is the supreme Pastor and Bishop of our souls; the seventy-two disciples were sent; and Paul himself, although already constituted by Christ as a vessel of election to bear His name before the Gentiles and kings, only began his apostolate when the elders, obeying the command of the Holy Spirit, "Separate me Saul for this work [of the Gospel]," laid their hands upon him.

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis - Official Commentary. They had relinquished the use of their hands. This was perpetually customary in the early times of the Church. For all, whether those who held a position in the order of the priesthood, such as Origen, and those who were later raised to the episcopate, such as Cyril of Jerusalem, John Chrysostom,

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Augustine, and other ancient Doctors of the Church, offered themselves, by the authority of their own Bishop, to preach. Now, venerable Brothers, it seems that a very different custom has arisen. Among the sacred orators, there are not a few in whom one might say that what the Lord complains of in Jeremiah occurs: "I have not sent prophets, and they have run." For anyone who desires to undertake the ministry of the word, whether for reasons of natural talent or for other reasons, it is easily accessible to them to enter the sacred buildings, as if to a gymnasium in which anyone may exercise at their own discretion. Therefore, in order that such perversity may be removed from among you, venerable Brothers, it is your duty to provide for this; and since it is your duty to render to God and to the Church the sustenance due to your flocks, do not allow anyone, without your permission, to enter the fold, and to pasture the sheep of Christ according to his own will. Therefore, in your dioceses, let no one, unless called and approved by you, now give sacred discourses. In this matter, we wish to attend with the utmost vigilance to those who request this sacred office. In this regard, to the Bishops, it is permitted, by the decree of the Council of Trent, only to choose those who are suitable, that is, those who are able to properly perform the office of preaching. "Properly," it is said – note the word by which the norm of the matter is contained, not eloquently, not with the applause of the audience, but with the fruit of souls, to which, as an end, the administration of the divine word pertains. – If you wish to define more precisely who are truly suitable, we say that they are those in whom you will find the signs of divine vocation. For what is required for one to be admitted to the priesthood: "Neither does anyone take this honor to himself, but he who is called by God," so it is also necessary that one be judged to be capable and apt to preach. This vocation is not difficult.

[*Latin ed. p. 309*]

In the Acts of Pope Benedict XV, page 309, it is found. For Christ, our Lord and Master, when He was about to ascend into heaven, did not say to the Apostles that they should immediately, going forth in various directions, begin to preach: "But sit," He said, "in the city, until you are clothed with power from on high." Therefore, it will be an indication that someone is divinely called to this ministry if he is clothed with power from on high. What this is like, you can gather, venerable Brothers, from what we know happened to the Apostles, immediately after they received the power from above. For when the Holy Spirit descended upon them – let us not speak of the marvelous gifts with which they were endowed – they passed from being uneducated and infirm men to becoming learned and perfect. Therefore, a priest who is endowed with suitable knowledge and virtue – provided that he possesses the natural gifts necessary so that he may not be tempted – will seem rightly called to preaching, and there will be no reason

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why he cannot be accepted for this ministry by the Bishop. This is what the Council of Trent desires, when it says that a Bishop should not allow anyone to preach who is not approved in morals and doctrine. Therefore, it is the duty of Bishops to examine those to whom they are considering entrusting the ministry of preaching, for a long time and thoroughly, so that they may know the extent of their knowledge and the sanctity of their lives. If someone acts negligently and carelessly in this matter, he will certainly commit a grave fault, and the blame for any errors that an inexperienced preacher may produce, or for any offense and evil example that an unscrupulous person may give, will fall upon his head. Now, in order to make these matters easier for you, venerable Brothers, we wish that those who request the power to preach, as well as those who request to receive the confessions of sinners, should be subjected to a double and rigorous examination regarding their morals and education. Whoever, therefore, is found to be lacking in either of these respects, without regard to any circumstance, should be rejected from such a ministry for which he is not fit. This is demanded by the dignity of those whose interests are served by preachers, as we have said; it is also demanded by the benefit of the holy Church, since salvation... (reference to Luke 24:49). (Reference to previous passage).

[*Latin ed. p. 310*]

Acta Apostolicae Sedis - Official Commentary 310, to be the land and light of the world, if anyone, it should be he who is engaged in the ministry of the word. Having carefully considered these matters, it seems superfluous to proceed further in explaining what the purpose and method of sacred preaching ought to be. For if the rule of sacred orators, which we have mentioned, is to be observed, what doubt is there that, adorned with suitable virtues, they will propose a worthy cause in preaching and maintain their reason? But nevertheless, it is useful to illustrate these two points, so that it may be better understood why, sometimes, the *forma* of a good preacher is lacking in some. What preachers ought to have as their purpose in carrying out their assigned task can be understood from what they can and ought to affirm about themselves, just as Paul did: "For Christ therefore we are ambassadors, God as it were exhorting by us, for Christ, we beseech you, be reconciled to God." If, however, they are ambassadors of Christ, they ought to will, in carrying out their mission, that which Christ willed in giving it; indeed, that which He Himself proposed when He lived on earth. For neither the Apostles, nor preachers after the Apostles, were sent for any other reason than Christ: "As the Father hath sent me, so I also send you." We know for what purpose Christ descended from heaven: for He plainly declared: "I came into this world to bear witness to the truth"; "I came that they might have life." Therefore, those who devote themselves to sacred preaching ought to pursue both, that is, to spread the light of the

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truths handed down by God, and to excite and nourish supernatural life in those who hear; in short, to seek the salvation of souls, and to promote the glory of God. Therefore, just as a doctor would be wrongly called a doctor who does not practice medicine, or a teacher of any art who does not teach that art, so too, he who, by preaching, does not strive to lead men to a fuller knowledge of God and to the way of eternal salvation, is wrongly called a preacher.

[*Latin ed. p. 311*]

From the acts of Pope Benedict XV, page 311, it is permissible to call someone a vainglorious person, but not an evangelical preacher. And would that there were no such declaimers! – But what, indeed, is the driving force behind them? Some are driven by the insatiable desire for empty glory, and in order to satisfy this, they ”prefer to say things that are lofty rather than fitting,” working a ”miracle” among those of weak intellect, ”but not working for the salvation of themselves or others.” They are ashamed to say humble and simple things, lest they appear to be the only ones who know them... They are ashamed to speak plainly to the little ones*. And when the Lord Jesus, out of humility, showed himself to be the one who was awaited, and evangelized the poor, what do these men not strive to do in order to gain commendation for their sermons from the fame of cities and the dignity of the principal temples? Moreover, since those things which are revealed by God are certainties that frighten the weakness of corrupted human nature, and which are not suited to attracting a crowd, they carefully avoid them, and treat of things in which, if one excepts the reason of the place, there is nothing sacred. And it often happens that, in the midst of a discussion of eternal matters, they stray into politics, especially if something of that kind strongly occupies the minds of the audience. Indeed, it seems that their sole aim is to please the audience and to imitate the behavior of those whom Paul calls ”itching ears.” Hence that unrestrained and weighty gesture, but one which is more suited to the stage or a public assembly; hence those variations in voice, whether softer or more tragic; hence that particular style of prayer, characteristic of newspapers; hence that abundance of opinions sought after by the impious and heretics, not from the divine Scriptures, nor from the Holy Fathers; and finally, that very eloquence, which so many of them adopt, with which they fill the ears and excite the admiration of the audience, but which brings them no good thing to take home. Truly, it is amazing how much these preachers are deceived in their opinion. Although they may labor greatly, and even sacrilegiously, to obtain the applause of the unlearned, is it worth the effort?

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*Matthew 11:5. 2 Timothy 4:3.

[*Latin ed. p. 312*]

312 Acta Apostolicae Sedis - Official Commentary: When, indeed, should all prudent men condemn them, and, which is more serious, should the most severe judgment of Christ be feared? Although, venerable Brothers, it is not for everyone who deviates from the rule and norm to seek applause solely through preaching. Most of those who seek such acclaim do so in order to direct it towards something else, or towards a less honorable goal. For, forgetting the words of Gregory: "The priest does not preach so that he may eat, but he must eat in order that he may preach," there are not a few who, having failed to find suitable means to support themselves through other decent occupations, have turned to preaching, not for the sake of properly exercising the holy ministry, but for the purpose of making money. We therefore see that the concerns of these individuals are not at all directed towards seeking where the greatest fruit for souls can be hoped for, but rather towards where the most profit can be made through preaching. Indeed, since nothing can be expected from these people except harm and disgrace, it is of the utmost importance that you, venerable Brothers, be vigilant, so that if you find anyone who abuses preaching for his own glory or for gain, you remove him without delay from the office of preaching. For he who is not afraid to pollute such a sacred thing with such perversity of purpose will certainly not hesitate to descend to all indignities, staining not only himself, but also the very sacred office which he so badly administers. The same severity must be applied to those who do not preach in a manner that is fitting, because they have neglected those things which are necessary for properly performing this ministry. What these things are is taught by the example of he who was called by the Church the Preacher of Truth, the Apostle Paul: may God, in His mercy, grant that we may have many preachers like him. First, therefore, what we learn from Paul is how well prepared and instructed he was for preaching. And here, in the Book of Kings, chapter 3.

[*Latin ed. p. 313*]

The acts of Pope Benedict XV, page 313, speak of the studies of doctrine in which Gamaliel, his teacher, was diligently versed. For the knowledge within him was infused by revelation, obscuring and almost extinguishing that which he had acquired himself; although it is evident that even this latter was of no small benefit to him, as appears from his Epistles. Indeed, knowledge is necessary for a preacher, as we have said, for he who lacks its light easily errs, as the Council of Lateran IV most truly stated: "Ignorance is the mother of all errors." However, we do not mean any kind of knowledge, but rather that which is proper to a priest, and which, to put it briefly, consists of the knowledge of himself, of God, and of his duties:

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of himself, so that he may neglect his own advantages; of God, so that he may lead all to Him, to know Him and to love Him; of his duties, so that he may fulfill them and command them to be fulfilled. Knowledge of other things, if this is lacking, is vanity and profits nothing. Let us rather consider what preparation of mind was present in the Apostle. In this matter, three things are most worthy of consideration. First, that Paul surrendered himself entirely to the divine will. For scarcely had he begun his journey to Damascus, when, touched by the power of Jesus Christ, the Lord spoke to him with a voice worthy of an Apostle: "Lord, what do you wish me to do?" And immediately, as he was to be throughout his life, he began to labor and to rest, to be in need and to abound, to be praised and to be despised, to live and to die, all for Christ. There is no doubt that he progressed so much in his apostolate because he submitted himself to the will of God with complete obedience. Therefore, let him who strives for the salvation of souls obey God above all else; so that he may be concerned about nothing, neither his audience, nor his success, nor the fruits he will obtain; finally, so that he may regard God alone, and not himself. But this striving to obey God requires a mind so prepared for suffering that it will avoid no kind of labor or annoyance. This was another striking characteristic of Paul. For when the Lord had said of him: "I will show him how much he must suffer for my name," he then endured all manner of hardships. (Acts 9:6). Ibid., 9:16.

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis - The official commentary states that it is with complete joy that he writes: "I abound in joy in all our tribulations." Indeed, this endurance in labor by the preacher, if it surpasses all, when whatever is human in him is removed, and the grace of God is joined to him for bearing fruit, is something so incredible that it commends his work to the Christian people. On the contrary, those who, having come for whatever reason, pursue the comforts of life there to a greater extent, and while they deliver their sermons, scarcely touch upon anything else of the sacred ministry, so that it appears that they serve more their own health than the benefit of souls. Finally, we understand that the spirit of prayer is necessary for the preacher, as the Apostle says; for as soon as he was called to the apostolate, he began to pray to God: "Behold, I come." For indeed, salvation of souls is not sought through copious speaking, nor through subtle reasoning, nor through vehement oratory; he who does this is nothing but a sounding brass or a clanging cymbal. It is the divine grace that makes human words flourish wonderfully and effective for salvation: "God hath increased it." But the grace of God is not acquired through study and art, but through prayer. Therefore, he who dedicates little or nothing to prayer, in vain spends his time and effort in preaching, since before God he profits neither himself nor those who hear him. Therefore, concluding briefly what

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we have said thus far, let us use the words of Peter Damian: "Two things are permanently necessary for the preacher, namely, that he may abound in the sentiments of spiritual doctrine, and that he may shine with the splendor of a religious life. If any priest does not suffice in either of these, so that he is not abundant both in life and in the faculty of doctrine; a better life is undoubtedly preferable than doctrine... The splendor of life is more valuable as an example than eloquence or the carefulness of speeches..." It is necessary that the priest who performs the office of preaching, and of spiritual doctrine...

[*Latin ed. p. 315*]

Acta Benedicti PP. XV 315: « Ut vita spiritualis pluvia sit, et ut luceat radiis vitae religiosa: « Sicut ille Angelus, qui Domino Iesu, ad pastores natali die, nuntians, « et qui fulgebat splendore claritatis, et quod evangelizari veniebat, ((per verba expressit. » Sed, ut ad Paulum rediatur, si quaerimus de quibus rebus consueverat praedicando agere, ipse omnia sic comprehendit: Non enim iudicavi me scire aliquid inter vos, nisi Iesum Christum, et hunc crucifixum. Efficere ut Iesum Christum homines magis magisque cognoscerent, et quidem cognitione quae ad vivendum, non modo ad credendum, pertineret, hoc est quod omni contentione pectoris apostolici laboravit. Itaque dogmata et praecepta Christi omnia, vel etiam severiora, sic tradit ut nihil nec reticeret nec molliret, de humilitate, de abnegatione sui, de castitate, de rerum humanarum contemptu, de obedientia, de venia inimicis danda, de similibus. Nec vero timide illa denuntiabat: inter Deum et Belial eligendum esse cui serviatur, utrique non posse; omnibus, ut e vivis excesserint, tremendum manere iudicium; cum Deo non licere transigi; aut vitam aeternam sperandam, si universae legi obtemperetur, aut, si cupiditatibus indulgendo officium deseratur, ignem aeternum esse exspectandum. Nam Praedicator veritatis numquam putavit abstinendum ab huiusmodi argumentis, propterea quia, ob corruptionem temporum, nimis dura viderentur iis, ad quos loquebatur. Apparet igitur quam non probandi sint ii praedicatores, qui quaedam christianae doctrinae capita, ne fastidio sint audientibus, non audent attingere. Num medicus quisquam inutilia remedia dabit aegrotanti, quia is ab utilibus abhorreat? Ceterum inde probantur oratoris virtus et facultas, si, quae ingrata sunt, ea grata dicendo reddiderit. Quae autem tractanda susceperat, quo modo Apostolus explicabat? Non in persuasibilibus humanae sapientiae verbis. Quanti refert, venerabiles Fratres, hoc omnibus esse exploratis.

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis - The official commentary reveals that we see not a few among the sacred prelates saying things such that they neglect the Holy Scriptures, the Fathers and Doctors of the Church, and the arguments of sacred theology; they speak of little else but reason. This is certainly

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wrong: for in the supernatural order, nothing is accomplished by human aids alone. — But it is objected: that the preacher who insists on what has been divinely revealed is not held in esteem. — Is this truly the case? It is so among non-Catholics: although when the Greeks sought wisdom, namely, of this world, the Apostle preached to them Christ crucified. And if we turn our attention to Catholic nations, there, those who are alien to us, almost retain the root of the Faith: for they are disgusted by what corrupts their minds. Finally, with what mind did Paul preach? Not to please men, but to please Christ: "For do I now persuade men, or God? Or do I seek to please men? If I yet pleased men, I should not be the servant of Christ." With a heart inflamed by the love of Christ, he sought nothing but the glory of Christ. Oh, that all who labor in the ministry of the word would truly love Jesus Christ; that they might adopt the sentiments of Paul: "For his sake (Jesus Christ) I have suffered all things; and to live is Christ." Only those who burn with love know how to set others on fire. Therefore, St. Bernard admonishes the preacher: "If you are wise, you will exhibit yourself, and not a channel." That is to say, let him be filled with what he says, and let him not have enough to pour into others. "But, as the same Doctor adds, today there are many channels in the Church, but very few shells!" Let this not happen in the future, venerable Brothers: it is your duty to strive with all your might and effort to ensure that there are many preachers who are according to the heart of God, by repelling the unworthy and choosing, forming, moderating, and guiding those who are suitable. — Let the merciful Shepherd also look to his flock, 1 Corinthians 1:2; Galatians 1:10; Philippians 3:8; Ibid., 1:21; 2:23; In Cant., serm. 18; Ibid. 4.

[*Latin ed. p. 317*]

Acta Benedicti PP. XV, 317. Jesus Christ, through the most holy Virgin, as Mother of the Incarnate Word and Queen of the Apostles, intercedes; and He commands that there be many who strive "to prove themselves approved unto God, unblameable workmen, rightly dividing the word of truth." We bestow upon you, venerable Brothers, and your clergy and people, our apostolic blessing, as a pledge of divine graces and a witness to Our benevolence. Given in Rome, at St. Peter's, on the fifteenth of June, in the year 1917, the third year of Our pontificate. BENEDICT XV. APOSTOLIC LETTER GRANTING PERPETUAL INDULGENCES TO THE SODALITY OF THE TRUTH AND PRIVILEGES TO THE CATHOLIC SODALITY ESTABLISHED IN IRELAND. BENEDICT XV. For the perpetual memory of this event. — Nothing is more dear to Us than to, without any merit of Ours, exercise here on earth the office of the Blessed Peter, Prince of the Apostles; and to adorn, with special privileges and spiritual graces, those pious Societies which assist the ministers of the militant Church, as auxiliary cohorts, in the good fight, that they may strive to attain greater and more abundant growth in the Lord. Guided by this purpose, the Venerable Brother John

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Harty, Bishop of Cashel and Emly, and President of the "Catholic Truth Society of Ireland," which for sixteen years has been fruitfully established under the auspices of the Irish Episcopate, and which, at a modest price, publishes salutary and pious writings through the press, humbly implored Us to grant certain indulgences to the Society itself. We, having considered these requests, have decided, as far as is pleasing to the Lord, to grant them. And since this is so, to Our beloved son, Our Most Reverend Cardinal Penitentiary, 1 Timothy 2:15.

[*Latin ed. p. 318*]

318 Acta Apostolicae Sedis - Commentarium Officia Maiore, concerning the all-powerful mercy of God and the authority of the blessed Apostles Peter and Paul, We grant, with full and absolute remission, to all and each of the faithful who join the aforementioned Society of Catholic Truth in Ireland, on the first day of their enrollment, provided that they are truly penitent and have confessed their sins, and have received Holy Communion, that in their own Society's church, if one exists, or in any other public church or chapel, also publicly, for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, they shall pour forth devout prayers to God, fully; and likewise, to those who are enrolled, and to those who are enrolled thereafter in the same Society, at the hour of their death, if they have been absolved through the Sacrament of Penance and have received the Sacrament of the Eucharist, or, if they are unable to do so, if they have invoked the name of Jesus with their mouth, or, if they cannot, with their heart, and if they have received death with a humble spirit as the price of sin, We grant, fully. Finally, We likewise grant to all and each of the members of the aforementioned Society, both now and in the future, who, each year on the Sunday of the Most Holy Trinity, that is, the first Sunday after Pentecost, and on the feasts of the Immaculate Conception of the Blessed Virgin Mary, that is, on the eighth day of December, on the feast of Saint Patrick, that is, on the seventeenth day of March, on the feast of Saint Lawrence O'Toole, that is, on the nineteenth day of November, and finally on the feast of Saint Bridget, that is, on the Kalends of February, or on the Sundays immediately following those feasts, from midday of the preceding day until midnight of the feast day, in their own church, or, if one is found, in the Society's church, or in any other public church or chapel, if they are penitent and have confessed, and have been refreshed by the ecclesiastical table, that they shall celebrate, and there shall pour forth prayers, as We have said above, fully, and We grant to all of them, for these days, a plenary indulgence for all their sins. Furthermore, to the aforementioned faithful, both now and in the future, who are members of the Society of Catholic Truth, if, at least with a contrite heart, they recite the antiphon, verse, response, and prayer as follows: "Come, Holy Spirit, fill the hearts of the faithful with your love

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and kindle in them the fire of your love. - Send forth your Spirit and they shall be created, and you will renew the face of the earth. - Let us pray. O Lord, enlighten our minds with the light of the Holy Spirit, which proceeds from You, and inspire in us all that You have promised through Your Son; who lives and reigns with You in the unity of the same Holy Spirit, God, forever and ever. Amen;" and whenever, with a contrite heart, they visit the Sacrament of the Holy Eucharist and pray devoutly before It for the increase and according to the purposes of the Society of Catholic Truth in Ireland, three hundred days of penance; but if, on that day, for the diffusion of Catholic truths through the same Society, they shall...

[*Latin ed. p. 319*]

The Acts of Pope Benedict XV, page 319, state that if, after reciting the doxology, or "Gloria Patri," once, the number of days of penance is reduced to one hundred, according to the usual form of the Church. Furthermore, we grant to all and each of these members, if they so wish, the permission to expiate the imperfections and the penances of their life through all other plenary and partial indulgences. Moreover, we grant to those priests who are now, and in the future, members of the Society of Catholic Truth in Ireland, the faculty of blessing with a single sign of the Cross, prayerful crowns, crosses, crucifixes, and small statues, made of metal, of the Redeemer, the Virgin, and the Saints, and of applying to them all the apostolic indulgences that are enumerated in the list published by the Most Holy Congregation of the Holy Office on September 5, 1914; and we also grant permission to bless crucifixes with the application of the indulgences pertaining to the Via Crucis, or Calvary, and which members may obtain if, being legitimately hindered from standing before the duly erected Stations, they devoutly recite the Our Father, the Angelic Salutation, and the doxology, or "Gloria Patri," twenty times, holding the crucifix in their hand. It is also permissible for the priests who are now enrolled, as well as those who will be enrolled in the future in this Society, to apply the altar indulgence to the Masses celebrated twice a week for the dead. Finally, desiring to help the souls of the deceased members of the Society of Catholic Truth who are detained in the fire of Purgatory, we grant and concede that all Masses which are duly celebrated by any approved secular or, with the permission of their Superiors, religious priest, at any altar of any church for the soul of any member of said Society who has passed away joined to God in charity, will, for the soul for whom they are offered, be of equal efficacy as if they had been offered at a privileged altar. Notwithstanding Our own regulations and those of the Apostolic Chancery regarding the granting of indulgences, and all other constitutions and apostolic decrees and other enactments whatsoever to the contrary. These present decrees are valid forever, from now on, and in the future. We decree that, as regards these present letters, whether transcribed, or in printed form, and signed by

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the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the same faith shall be given to them as would be given to the present letters if they were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's ring, on the tenth day of April, 1917, in the third year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 320*]

320 Acta Apostolicae Sedis - Official Commentary II. TO THE PIOUS WORK COMMONLY CALLED "MESSBUND," INDULGENCES ARE GRANTED FOR ALL TIME. BENEDICT PP. XV. For the perpetual memory of the matter. — Our beloved son, Joseph Anthony of St. John in Persiceto, Procurator and General Commissary of the Order of the Brothers Minor Capuchins, informed Us that a pious work, commonly called the "Messbund," which he intends to support under the patronage of St. Fidelis of Sigmaringen, the first martyr of the Propagation of the Faith, aims to assist the foreign missions of the aforementioned Capuchin Brothers. He reported that certain indulgences, both plenary and partial, had been granted to it by Our Predecessor, the Most Reverend Pope Pius X, on the sixth of May in the year 1908, and he presented to Us earnest petitions, imploring Us to deign to renew these privileges, with further graces added, for all time. We, being fully persuaded that the aforementioned pious work has produced abundant fruit in the Lord, and will continue to produce it in the future, deemed it fitting to favorably receive these requests. Wherefore, having also heard our beloved son, His Eminence, the Most Reverend Cardinal Penitentiary, We grant, with all Our blessings, to all and each Christian of both sexes, who are already engaged in, or who in the future shall be engaged in, the work described above, at the hour of their death, if they are truly contrite and have confessed their sins and have received Holy Communion, or, if they are unable to do so, if they have invoked the name of Jesus with their mouth, if they can, and with their heart devotedly, and if they have accepted death as the punishment for sin with a patient spirit, a plenary indulgence; and to the members of the same pious work, both those who are now and those who will be in the future, who, having duly fulfilled their penances, have received the Sacraments, and who, on the feast of the Epiphany of Our Lord Jesus Christ, and on the feasts of the Exaltation of the Holy Cross, the Seven Sorrows of the Blessed Virgin Mary, that is, on the Friday after the Sunday of the Passion, and on the feast of St. Fidelis of Sigmaringen, the patron of the work, from noon on the day preceding these feasts until midnight of the following days, shall have devoutly visited the church of the aforementioned pious work, or any other church or public oratory, and there shall have offered pious prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, We, in the Lord, mercifully grant a plenary indulgence for all their sins, with

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complete remission. Furthermore, to the same faithful, whenever they shall in any way assist the aforementioned work, We grant three hundred days of the penances enjoined upon them, or otherwise.

[*Latin ed. p. 321*]

321 The acts of Pope Benedict XV grant, according to the customary form of the Church, indulgences for the remission of debts to those who are penitent. We declare that all and each of these indulgences, remissions of sins, and relaxations of penances, except for the plenary indulgence to be obtained at the hour of death, can also be applied, for the benefit of the souls of the faithful who, united with God in charity, have departed from this life, as a form of suffrage. This applies notwithstanding any objections to the contrary. These decrees are valid perpetually. Given in Rome, near the blessed Peter, under the seal of the Fisherman, on the fourteenth day of April, in the year 1917, in the third year of Our Pontificate. P. GARD. GASPARRI, Secretary of State.

III. TO THE ASSOCIATION OF ONE HUNDRED WOMEN, TO BE AFFILIATED BY PAUL, BEARING THE TITLE OF THE BLESSED VIRGIN MARY OF PIETY AND SAINT VINCENT DE PAUL, IN THE DIOCESE OF BERGAMO, ARE GRANTED PERPETUAL INDULGENCES AND PRIVILEGES.

BENEDICT XV.

For the perpetual memory of this matter.

Humbly presented to Us were the prayers of the Venerable Brother Aloysius Maria, Bishop of Bergamo, so that We might deign to renew, once again and perpetually, the plenary and partial indulgences and other privileges, which had already been granted for a time by Our predecessors, the Roman Pontiffs, to the pious association of women in his diocese, canonically instituted under the title of the Blessed Virgin Mary of Piety and Saint Vincent de Paul, and commonly called the "Conferenza." We, considering the utility of such an association, and moved by the counsel to allow it to grow ever greater, readily accede to the wishes of that prelate. Moreover, We have heard the opinion of Our beloved son, His Eminence, the Most Reverend Cardinal Penitentiary Major. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant that all and each of the women who shall join the aforementioned association, on the first day of their entrance, if they have truly repented and confessed, shall receive a plenary indulgence; furthermore, to the spiritual director and to the women described above, as well as to those who shall be added from time to time to the same association, a plenary indulgence is granted at any time of their death, provided that they are also truly repentant and have confessed, and have received the Holy Communion,

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or, if they are unable to do so, that they have at least devoutly invoked the name of Jesus, either with their lips, if they are able, or, if not, with their hearts. ACTA, vol. IX, n. 7. — 2-7-917. 21

[*Latin ed. p. 322*]

322 Acta Apostolicae Sedis - Official Commentary, and likewise to the director and to all others who are now and for the time being existing in the aforementioned Society, brothers, even truly penitent and confessed, and refilled with the Holy Communion, if they annually visit, on the aforementioned days, the chapel, or oratory, or altar of the aforementioned Sodality, on the feasts of the Conception, Annunciation, and Assumption of the most holy Virgin Mary, Immaculate, as well as on the feasts of St. Vincent of Paul, St. Agatha, St. Elizabeth the Virgin, and also on the anniversary of the legitimate institution of the aforementioned Sodality, and on the twenty-sixth day of the month of August, and on the Friday within the week of the Passion, from noon of these preceding days until midnight of the same days, and there offer devout prayers to God for the concord of Christian princes, the extirpation of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, to those who do so on these days, we grant, likewise, a plenary indulgence and remission of all their sins. Furthermore, we grant to the aforementioned Sodality of Bergamo the power to add or incorporate any other legitimately established Sodality of the same institute and name within the Diocese of Bergamo, so that the members of this Sodality may lawfully obtain the aforementioned indulgences. Moreover, to the priest, the spiritual director of the aforementioned Sodality of the City of Bergamo, bearing the title of Blessed Mary Virgin of Piety and St. Vincent of Paul, now and for the time being existing, and to all women, both those attached to and those to be attached to the aforementioned Sodality for the time being, if they are legitimately hindered from attending the church, or chapel, or oratory of the aforementioned Sodality on the designated days to obtain the indulgences mentioned above, we grant that they may obtain the same, provided that on those days they visit the respective parish church, and having performed the other works of piety prescribed by the Apostolic regulations, pray as above. In addition, to the aforementioned priest and women, if on any solemn day they are present to pray for the soul of any Christian faithful who, being united to God in charity, has departed from this life as a member of the aforementioned Sodality, and if they visit the church of the Sodality with at least a contrite heart, and there pray as above, we remit for seven years, and for forty days, all the penitences prescribed to them or any other debts whatsoever, in the usual form of the Church. Finally, to the benefactors of the aforementioned Sodality, at the hour of their death, if they are truly penitent and confessed, and refilled with the Holy Communion, or, if they are unable to do so, at least contrite, if they invoke the name of Jesus, with their mouth if they

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can, but otherwise devoutly with their heart, we mercifully grant a plenary indulgence and remission of all their sins in the Lord. All of these and each of these indulgences, remissions of sins, and relaxations of penances, we also grant to the souls of the faithful in Purgatory.

[*Latin ed. p. 323*]

The acts of Pope Benedict XV, number 323, grant that the indulgences held in purgatory may be applied as a form of suffrage, and this is granted notwithstanding any objections to the contrary. These present decrees are perpetually valid. Furthermore, We desire that to these present letters, or to their copies, even printed ones, which are signed by the hand of a public notary and sealed with the seal of a person holding an ecclesiastical office, the very same faith be given as would be given to the present documents if they were exhibited or shown. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the 24th of April, 1917, in the third year of Our pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

IV. IT IS DECREED THAT THE BRETHREN AND SISTERS OF THE ORDER OF PREACHERS, LIVING IN COMMUNITY, MAY RECEIVE THE GENERAL ABSOLUTION WITH A PLENARY INDULGENCE ON THE FEAST OF THE HOLY ROSARY. TO OTHERS, AND TO THE GENERAL ROSARY, WITH THE ADDITION OF THE FACULTY OF RECEIVING IT WITHIN OCTAVES. BENEDICT XV. For the perpetual memory of this matter.

Moved by our prayers, our beloved son, the General Procurator of the Order of Preachers, presented to Us the wishes of the General Chapter held in Freiburg in Switzerland last August, so that, through Apostolic benevolence, the feast day of the Most Holy Rosary of the Blessed Virgin Mary might be included among those days on which the Brethren, Sisters, and also the Tertiaries living in community within the aforementioned Order, may receive the general absolution with a plenary indulgence. We, approving of these pious wishes, and having heard our beloved son, Our Most Reverend Cardinal Penitentiary, and confident in the mercy of Almighty God and in the authority of the Apostles SS. Peter and Paul, We grant and decree that, throughout the entire Order of Preachers, everywhere on earth, the feast day of the Most Holy Rosary of the Blessed Virgin Mary shall be counted among those days on which it is permissible for the Brethren, Sisters, and also the Tertiaries living in community within that Order to receive the general absolution with a plenary indulgence. Furthermore, We grant that the aforementioned absolution and the indulgence attached to it, both for the feast of the Rosary and for other feasts of the aforementioned Order, may licitly be transferred to another day within the octave if, for some reason, it is impossible to receive it on the proper day. Notwithstanding any objections to the contrary. These present decrees are valid

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perpetually and for all time to come. Furthermore, We desire that...

[*Latin ed. p. 324*]

324 Acta Apostolicae Sedis - An official commentary on documents, whether copies or originals, including printed ones, signed by a public notary and bearing the seal of a person holding an ecclesiastical office, shall be given the same credence as if the originals were presented or shown. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the eleventh day of June, 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

TO THE CHURCH OF THE ASSUMPTION OF THE BLESSED VIRGIN MARY, commonly known as "La Madonna Grande," adorned with the title and privileges of a minor basilica.

BENEDICT XV.

For the perpetual memory of the matter.

Since the Most Holy Virgin Mary has been chosen by God as the Mother of all, and at the same time, by divine decree, has been appointed to dispense graces for mankind, We, in order that the sacred buildings in which so bountiful a Patron is venerated by the faithful with such devotion, may be adorned with the highest honors and privileges, hereby adorn this ancient and most celebrated sanctuary, formerly an Abbey, which, under the title of the Assumption of the Blessed Virgin Mary, commonly known as "La Madonna Grande," was erected in Tarvisio, and which is illustrated not only by historical writings but also by the statutes of that city, with the highest degree of dignity, so that, with increased splendor of worship, the piety of the faithful towards the Immaculate Mother of God may also increase day by day.

This sacred building, from its origin in the eighth century, began as a small chapel, then expanded by Saint Anselm of Foroiuli, and later by others following his example. The temple was founded by Gerard, a magistrate of Tarvisio, where the relics of the martyrs Synesius, Theopompus, and Fusca were preserved. Later, the venerable image of the Lion of the Blessed Virgin Mary, dating from the ninth century, was not lacking in honor, even after the devastations by the Huns, until the noble family of Camino and, in particular, the pious woman Lucretia della Torre Rover, in the eleventh century, took care to restore the Marian building, which, moreover, in the fifteenth century, was largely restored by the Venetian patrician Morosini. There, many blessed souls of each age have shown great devotion to this Mother, and among them, most especially, Benedict XI, Our Predecessor, was born in the same parish, as well as Henry, from the house of Boceno, and Cardinal Gregory Barbarigo, Bishop of Padua. And it is remembered

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that...

[*Latin ed. p. 325*]

From the Acts of Pope Benedict XV, page 326: Worthy of mention is Saint Jerome of Aenijani, who, as defender of Castelnuovo near Treviso, was thrown into prison. After obtaining the help of the Mother of God and being freed, he laid down his chains at Her altar, giving thanks, and there consecrated himself entirely to God. Subsequently, through the intercession of Bernardine Marini, the esteemed Prelate of the same city, the same church, commonly known as "Saint Mary Major" or "La Madonna Grande," to which the care of souls was entrusted, was joined to the Basilica of Liberius in the City, and finally, our predecessor, the blessed Pope Pius X, while serving as Chancellor at the Curia of Treviso, in the year 1880, brought it about that this Marian sanctuary would be permanently entrusted to the Clerics Regular of the Somascan Congregation. We also deem it necessary to mention that in this sanctuary, to which a large number of the faithful come, even in groups, the image of the Most Holy Virgin, adorned with a golden crown, was redeemed by decree of the Vatican Chapter since the year 1807, and that this sanctuary not only excels in size and with wonderful works of art, but also reverently preserves precious relics of the saints, and is also abundantly endowed with apostolic indulgences and rich furnishings. Having considered all these things, when the Venerable Brother Andrew Hyacinth Longhin, the present Bishop of Treviso, together with the clergy and the people, and the beloved son John Mazzitelli, the Supreme Moderator of this Congregation, moved supplications to Us, so that We might deem it fitting to enrich this praiseworthy sanctuary with a sign of the new benevolence of the Holy See: We, having received these pious wishes with benevolence, and after consultation with the Most Holy Fathers and Brothers of the Sacred Roman Church, Cardinals, dedicated to preserving the sacred rites, hereby solemnly establish this parish church of Treviso, in honor of the Blessed Virgin Mary, assumed into Heaven, commonly known as "La Madonna Grande," as a Minor Basilica, granting it perpetually all rights, privileges, prerogatives, honors, and indulgences that are customarily granted to the Minor Basilicas of this Our beloved City. We decree that these Letters shall always exist and remain valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully support, now and in the future, all those to whom they pertain, and that in all things they shall be considered and defined as valid, and shall be declared null and void if, by anyone, knowingly or unknowingly, anything should be attempted to alter them. Notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, under the Fisherman's Ring, on the tenth day of June, 1917, in the third year of Our

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Pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 326*]

Acts of the Apostolic See – Official Commentary 326. LETTERS I TO R. P. DOM. FRANCISCUS ROSSI, ARCHBISHOP OF GREGG, AND TO THE ARCHBISHOPS AND BISHOPS OF THE COMMON PROVINCE OF CALARITANUM, AND TO OTHERS IN SARDINIA, EXPRESSING GRATITUDE FOR THEIR MOST DEVOUT LETTERS REGARDING THE ANNUAL MEETING. Venerable brothers, greetings and the apostolic blessing.

We have read with great pleasure your common letter. That piety which impelled you to write, suggested the very words to those who write, filled with the fullness of love and duty. You recount both joys and sorrows, but you remember the latter in such a way that those of whom you speak are testimonies of divine providence; and whatever praise is bestowed upon Us, you celebrate it most lovingly; but you do not speak of others except with the intention of alleviating Our anxieties in these great difficulties in which We are pressed. We are very pleased with this meaning of your words, and we, venerable brothers, give and offer thanks to you, as is fitting.

The last part of your letter refers to those clerics whom higher and more sacred duties and loftier purposes have long drawn away to more distinguished posts. We feel exactly as you do, and what you lament with sorrow, we bear silently in our hearts, with great sadness and often. We fear, and not without reason, that the hearts of those whose virtue should shine above all others may become soiled with earthly dust; and with a deeply concerned mind, we turn our thoughts especially to those countless parishes which, deprived of their pastors, scarcely have enough priests to provide the sacred food of doctrine and to administer the sacraments. May these things also work out for the good! May the divine blessings and Our own testimony of apostolic benevolence be with you all, venerable brothers, and with the clergy and people of each of your dioceses, which We impart to you with a loving heart in the Lord.

Given at Rome, near St. Peter's, on the 8th of May, 1917, in the third year of Our pontificate.

BENEDICT XV, POPE.

[*Latin ed. p. 327*]

Acta of Pope Benedict XV, 327, II, To Most Reverend Cardinal Andrea Ferrari, Archbishop, and to the Bishops of the Province, concerning the Annual Pastoral Letter, from the Milanese Assembly, expressing profound gratitude and piety.

Beloved sons and venerable brothers, greetings and the apostolic blessing.

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Your letter has brought us great joy. These are the works of your piety: diligent cares with which you sustain the duties of the episcopal ministry; and finally, the best plans and endeavors, with which you strive to bring forth the fruits of your teaching and virtue for the common good.

The evils you recount are indeed lamentable, as they are clear signs of a turning away from the will of the Church. But even these, in a certain way, may cooperate for good. They illustrate the maternal kindness of the Church, which is not deterred from its purpose of rewarding, even by injuries; and they make manifest how much praise is due to those who have received benefits from her, if none of those who receive them have a grateful spirit.

As for us, concerning the present circumstances of the common good, and what we should offer to this age, and what we promise to the future, we believe that it will be clear from what we have often said and done, when the time and necessity have seemed to require it.

In any case, we commend these concerns to you, and we urge you above all to ensure that all may know and appreciate that whatever the Apostolic See provides, whether to alleviate the calamities of war, or to promote peace, it is done with the best intentions. Then it will happen that truth will lead men to sounder judgments.

May the divine blessings and the witness of our apostolic benevolence be with you, beloved sons and venerable brothers, and with all your clergy and people, to whom we impart, in the Lord, our heartfelt blessing.

Given at Rome, near the blessed Peter, on the tenth day of May, in the year 1917, in the third year of our pontificate.

BENEDICT XV, POPE.

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis - Official Commentary ACTA OF THE HOLY CONGREGATIONS SACRED CONSISTORY CONGREGATION I NORMS FOR THE SACRED PREACHING.

That those things which the Most Blessed Father recently taught and established concerning the sacred preaching in Encyclical Letters *Humani generis redemptionem*, may be more easily brought into practice, the Most Eminent Fathers presiding over the Sacred Consistory Congregation, with the full approval of the Supreme Pontiff, have established the following norms, by which the Most Reverend Ordinaries must proceed so that they may safely proceed in this most important matter; and the same Holiness commands that these be immediately put into effect, so that, as the Apostle calls it, the ministry of the word may bring forth fruit for the preservation and propagation of the Christian faith and of Christian life, as the Divine Master Christ intends and as the Catholic Church justly promises to itself.

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Chapter I. Concerning those from whom and in what manner preachers of the Word of God should be chosen.

1. The Most Reverend Ordinaries should above all always keep before their eyes that which the Holy Council of Trent, innovating and strengthening previous prescriptions, decreed in chapter IV, session 24, concerning Reform; where, after warning that the duty of preaching is primarily that of the Bishops, it follows thus: (The Holy Council) commands that in their own churches, the Bishops themselves (should) preach, or, if they are legitimately hindered, through those whom they appoint to the office of preaching; and in other churches, through the parish priests, or, if they are hindered, through others appointed by the Bishops (at the expense of those who are obligated or accustomed to provide for such expenses), in the city or in any part of the diocese, that at least on Sundays and on the more solemn feast days, the sacred Scriptures and the worthy law be proclaimed. Furthermore, no secular or regular [person], even in the churches of their own orders, shall presume to preach, without the consent of the Bishop.

[*Latin ed. p. 329*]

Sacred Congregation of the Council - 329. Which is plainly confirmed in the new ecclesiastical Code, canons 1327, 1328, and 1337.

2. Since the office of preaching pertains especially to the Ordinary Bishop of the place, and since it belongs to him to appoint and designate those who will substitute for him and supply his place in this most grave ministry, even specifically in the case where the expenses of preaching are, by law or custom, to be paid by others; no one, neither validly nor licitly, can choose or invite any preacher, even for his own church; nor can any cleric, whether secular or regular, lawfully accept such an invitation, except within the limits and conditions established in the following articles.

3. Parish priests, by virtue of the mission they hold in their election, just as they are empowered to hear confessions, also enjoy the faculty of preaching, provided that the law of residence is observed, and provided that all other conditions which the Ordinary may deem necessary or useful are also observed. The same is to be said of a Canon Theologian with regard to the reading of the sacred Scriptures.

4. In all other cases, in order to preach to the faithful in public churches or chapels, even those of religious orders, and by both secular and regular priests, it is necessary to obtain permission from the Ordinary of the diocese.

5. Such permission, according to the norms prescribed in the Code, canons 1341, § 1 and 2, is to be requested from: a) from the first dignity of the Chapter, after the Chapter has been heard, for preachings which are done by law or by the will of the Chapter in the Chapter's own church; b) from the Superior of a religious order, observing the rules of the respective

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order or congregation, for churches of clerical religious communities; c) from the parish priest for the parish church and for all churches dependent on it; d) and if it concerns a parish priest of a church belonging to a Chapter or to a religious order, from that same parish priest for preachings that depend on him, excluding the intervention of the Chapter or the religious order; e) from a priest, the first priest or chaplain of any confraternity, for the confraternity's own church; f) from the priest in charge of a church, who lawfully performs the sacred functions there, for all churches of other moral corporations, not clerical, or of lay religious orders, or of private individuals.

6. In the case of decisions of the Sacred Council, in Sutri, on May 8, 1688, and in Ripatransone, on May 21, 1707, which require the aforementioned permission, only the name of the preacher must be proposed, and that subordinately to the approval of the Ordinary, who alone can use the words "we choose and appoint" in the request, e.g., "N.N."

[*Latin ed. p. 330*]

330 Acta Apostolicae Sedis - Commentarium Officiale 7. A request to obtain permission for someone to preach must be made at a suitable and opportune time, so that the Ordinary may conveniently obtain the necessary information about that person (Godic, can. 1341, § 2). However, this time, generally speaking, should not be less than two months, as has already been established by the Most Holy Council in Theanne, on April 19, 1728, and April 30, 1729; provided, however, that Bishops retain the faculty of establishing a different, even shorter, time, according to the nature and importance of the preaching, and according to the quality of the preachers, whether diocesan or non-diocesan.

8. Whoever, having set aside the obligation to request permission, invites a priest to preach; likewise, any priest who, having knowingly accepted such an invitation and has preached, shall be punished by the Ordinary with penalties determined at his discretion, excluding suspension from divine duties.

9. The faculty to preach, when it concerns a non-diocesan preacher, shall be granted in writing, specifying also the place and type of preaching for which it is granted.

10. Ordinaries, burdened by the gravity of their responsibility, shall grant the faculty to preach to no one, unless they have first ascertained his piety, knowledge, and suitability, according to the prescriptions which are given in the following chapter: if, however, it concerns non-diocesan priests or religious of any Order, unless they have first consulted the respective Ordinary and Superior and have received a favorable response.

11. The Ordinary and the regular Superior, who have been asked by another Ordinary for information regarding the piety, knowledge, and suit-

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ability of one of their subordinates for preaching, are bound under a grave obligation to provide truthful information, according to their knowledge and conscience, as prescribed in can. 1341, § 1, of the new Code. The Ordinary who receives such information is, in turn, bound to conform to it, absolutely preserving the secrecy of the information received.

12. The Ordinary who, because of the information received as mentioned above, or for another reason, has judged that the faculty to preach in the Lord should be denied to someone, it is sufficient for him to inform the person requesting the faculty of this, and he shall render account of his decision only to God.

CHAPTER 11. In what manner must one ascertain suitability for preaching?

13. Generally speaking, just as Ordinaries are most strictly obligated to acquire certainty regarding a priest's suitability before granting him the faculty for the ministry of hearing the confessions of the faithful, so too, if they were to admit to such a task someone who was unworthy in morals, or...

[*Latin ed. p. 331*]

The Sacred Congregation Consistorial [of Bishops] declares that, lacking the due knowledge, one is incapable; thus, Ordinary [bishops] must act in this manner, and no other way; before admitting or dismissing anyone to the ministry of the word.

14. The proper method for an Ordinary to determine someone's suitability for the office of preaching, especially with regard to knowledge and action, is for the candidate to undergo an examination, both orally and in writing, before three examiners, who may be chosen at the discretion of the Ordinary, either among the synodal examiners, or even among priests from other dioceses, or even from the religious clergy. However, having ascertained the candidate's suitability with regard to knowledge and action, or even beforehand, with no less, indeed with greater, diligence, the Ordinary must inquire whether the candidate is worthy of piety, good morals, and public esteem, so that he may proclaim the word of God.

15. Based on the outcome of these two examinations, the Ordinary may declare the candidate suitable, either in general or only for a particular type of preaching, for a limited time or as a trial, and under certain conditions, or absolutely and permanently; he may grant him a license to preach, entirely in the manner in which it is granted for hearing confessions, or he may simply deny him the permission to preach.

16. However, Ordinaries are not prohibited, in particular cases and by exception, from admitting someone to preach, without the prior examination mentioned above, provided that they have certain evidence of his suitability.

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17. It is absolutely forbidden to grant diplomas, as they are called, for preaching, even to one's own subjects, or even to one's own subjects, but only as a title of honor or as a sign of esteem.

18. With the exception of religious and regular clergy, their Ordinaries retain the faculty of appointing subjects whom they know, according to the rules and constitutions of the Order, to be worthy and suitable, always in conformity with the prescriptions of the Code of Canon Law, canon 1338, to preach within the confines of the religious house or monastery; however, if they wish to assign someone to give sermons in public churches, not excluding those of the Order itself, they are obliged to present him to the diocesan Ordinary of the place to undergo an examination according to the provisions outlined in articles 13, 14, and 15 above.

CHAPTER III. What must be observed or avoided in sacred preaching.

19. Since sacred things must be treated with reverence, no one should undertake preaching unless he has duly and diligently prepared himself through study and prayer.

20. The topics of sermons must be essentially sacred (Code of Canon Law, canon 1347). If the preacher wishes to treat other topics that are not strictly sacred,

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis - The official commentary always stipulates that, insofar as it is fitting for the House of God, one must request and obtain permission from the local Ordinary; and that Ordinary will never grant such permission unless the matter has been carefully considered and its necessity has been assessed. However, it is absolutely and entirely forbidden for preachers to discuss political matters in churches.

21. Funeral eulogies must not be delivered to anyone without prior and explicit consent from the Ordinary, who, before granting consent, may also require that a manuscript be presented.

22. The preacher should always keep in mind and put into practice what St. Jerome recommended to Nepotian: "Read the Divine Scriptures more often; indeed, let the sacred reading never leave your hands... Let the sermon of the priest be based on the reading of the Scriptures. And let the study of the sacred Scriptures be joined with the study of the Fathers and Doctors of the Church."

23. Citations and testimonies from profane writers or authors should be used with utmost moderation, and even more so those from heretics, apostates, and infidels; never should the authority of living persons be cited. Faith and Christian morality do not require such advocates and defenders.

24. The preacher should not seek the applause of the audience, but should seek only the salvation of souls and commendation from God and the Church. When you are teaching in the church, let not the clamor of the

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people arise, but let there be groans. Let the tears of the listeners be your praise (Jerome to Nepotian).

25. The practice, which has prevailed in some places, of using printed ephemerides or leaflets, both before and after the sermon, to attract listeners and to extol the merits of the preacher, is to be absolutely condemned and rejected, whatever the pretext of good intentions. Ordinaries should take care, as much as possible, to prevent this practice from becoming widespread.

26. Regarding the manner of preaching, nothing better can be prescribed than what St. Jerome advised Nepotian: "I do not want you to be a declaimer and a garrulous chatterer without reason, but a skilled interpreter of mysteries and a most learned teacher of the sacraments of God. To turn words, and to make the uneducated admire one's speed of speaking, is the practice of ignorant people... Nothing is easier than to deceive the vulgar rabble and the uneducated with the fluency of language, who are more amazed by what they do not understand."

27. Therefore, the preacher should adapt himself to the common understanding of the audience, both in reasoning and in the use of language; but in action and recitation, he should observe the modesty and gravity that befits one who is engaged in the ministry for Christ.

28. He should also always and most diligently take care not to turn the sacred preaching into a means of personal gain, seeking what is his own, and not what is for Jesus Christ.

[*Latin ed. p. 333*]

9. The Sacred Congregation of the Council of Trent declares: Let no one be greedy for dishonest gain, nor allow himself to be ensnared by vain glory. Let him never allow that which, according to the doctrine of the Gospel and the Apostles, and the example of the Saints, Jerome suggested to Nepotianus to fall from his mind: "Let not your works contradict your words; lest, when you speak in the church, everyone silently respond: Why do you say, and do not do?" – A delicate teacher is he who, with a full stomach, speaks of fasts... The mouth, mind, and hands of a priest must be in harmony.

CHAPTER IV. To whom and how preaching should be prohibited.

29. Preachers who neglect the prescriptions laid down in the preceding chapter, if they show hope of amendment and have not committed serious offenses, should be warned and reprimanded by the Bishop, either for the first or second time.

30. If, however, they neglect to amend their ways, or if they have committed a serious offense that causes scandal to the faithful, the Bishop, according to the procedure outlined in the Code of Canon Law, can. 1340, §§ 2 and 3, a) if the case concerns his own subject or a religious to whom he

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himself has granted the faculty to preach, may revoke or completely abolish the granted faculty, without regard for any human consideration; b) if the case concerns a priest from outside the diocese or a religious to whom he has not granted a license to preach, he shall prohibit him from preaching in his diocese, and at the same time inform both the proper Ordinary and the one who granted him the license to preach; c) moreover, the Bishop may, and indeed should, depending on the circumstances, interrupt the preaching itself for a preacher who has committed a serious sin.

31. It is also necessary to prohibit preaching, at least temporarily and in a certain place, to anyone who, through his manner of life or for any other reason, even innocently, has lost the good opinion of the public, so that his ministry has become useless or harmful.

32. Diocesan Ordinaries shall establish a commission for the oversight of preaching in their respective dioceses, which may be composed of the same priests as the commission for the examination of candidates.

33. Since neither the Bishops nor the commission for the oversight of preaching can be present everywhere in the diocese, when it is a question of preaching of greater importance in distant places, the Ordinaries shall require from the Vicars Forane or from the parish priests specific and reliable information, according to the norms stated above.

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis - Official Commentary CHAPTER V. Concerning the remote preparation for the ministry of preaching. 34. Ordinaries and Superiors of religious orders are strictly obligated to form their own clerics in the holy and salutary art of preaching from their youth, during the time of studies, both before and after the reception of the priesthood. 35. Therefore, they will see to it that these clerics, while studying sacred theology, are taught about the various kinds of preaching; and that they have before their eyes and experience examples of the most important things which the Holy Fathers have left behind in every kind of sermon, besides those which are found everywhere in the sacred Gospels, in the Acts, and in the Epistles of the Apostles. 36. Furthermore, the Ordinaries will see to it that the young men are instructed about the actions and pronunciation to be observed in sermons, so that they may then prefer gravity, simplicity, and elegance, so that it may not seem like a performance, but be fitting for the Word of God, and so that the preacher may speak with conviction of the mind and from the heart, and may contemplate the sublime end which is assigned to him by his ministry. 37. While these things are being carried out in seminaries or places of study, the Superiors will examine what kind of preaching is most suited to the disposition of each student, and then they will report this to the Ordinary. 38. The initial instruction which the clerics have received in seminaries or in houses of study, the Ordinaries will see to it is perfected, even after the reception of the sacred orders. 39.

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Therefore, according to the information they have about each one, they will occupy and exercise them with easier and more humble forms of preaching, such as in teaching Christian doctrine to children, by briefly explaining the Gospel, and similar things. 40. Finally, the Ordinaries may prescribe to their clerics that, after a certain period of time, they undergo an examination on preaching each year, both orally and in writing, in that method which is most suitable to them, in accordance with the prescriptions of the Code for the annual examinations to be taken by clerics after the reception of the priesthood. From the Sacred Congregation Consistorial, on June 28th, in the vigil of the Most Holy Apostles Peter and Paul, in the year 1917. C. CARD. DBLAI, Bishop of Sabina, Secretary. L. % S. f V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 335*]

Sacred Congregation of the Consistory, 335, Italian Version. REGULATIONS CONCERNING THE SACRED PREACHING. For the proper execution of what is taught and prescribed by the encyclical letter *Humani generis redemptionem* concerning the sacred preaching, the Most Reverend Fathers of the Sacred Congregation of the Consistory, with the full approval of the Holy Father, have established the following regulations, which must be a sure guide for the Ordinaries in matters of such great importance, and which, by the express will of the same Holy Father, must be put into immediate effect, so that the *ministerium verbi*, as the Apostle calls it, may bring about those beneficial effects for the defense and propagation of the faith, and for the protection of Christian life, which were and are the intentions of the Divine Master Jesus Christ, and which are rightly expected by the Church.

CHAPTER I. By whom and how preachers should be chosen.

1. First of all, the Most Reverend Ordinaries should always keep before their eyes what the Holy Council of Trent, renewing previous prescriptions, succinctly establishes in chapter IV, session 24, *De reform.*, where, after recalling that *praedicationis munus Episcoporum praecipuum est* [is the principal duty of Bishops], it continues: "The Holy Synod decrees that in their own churches, the Bishops themselves (or, if legitimately hindered, those whom they appoint) should preach, or, in other churches, the parish priests, or, if they are hindered, others appointed by the Bishops (at the expense of those who are obligated or accustomed to provide such expenses), in the city or in any part of the diocese, as they deem expedient, at least on Sundays and on the more solemn feast days, etc., proclaiming the Holy Scriptures and the divine law..." "But no secular or regular priest, even in the churches of their own orders, shall presume to preach without the consent of the Bishop." This is also consecrated in the new Code of Canon Law, canons 1327, 1328, and 1337.

2. Therefore, the office of preaching primarily belongs to the Ordinary

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Bishop of the place, and it is reserved to him to appoint and designate those who will take his place and assist him in this most exalted ministry, even in the specific case where the expenses are borne, either by duty or by custom, by others; therefore, no one can validly and legitimately elect or invite a preacher.

[*Latin ed. p. 336*]

336 Acta Apostolicae Sedis - Official Commentary, even concerning their own church, and no member of the secular or regular clergy may lawfully accept such an invitation, unless within the limits and in the manner prescribed in the following articles.

3. Parish priests, by virtue of the mandate they received with their election, are authorized to preach, provided that the law of residence is observed, and provided that any further conditions which the Ordinary deems necessary or expedient are established. Thus, the canon theologian is to be understood concerning scriptural lectures.

4. In all other cases, to preach to the faithful in public churches or chapels, even by religious, and by the religious themselves, the permission of the diocesan Ordinary is required.

5. This permission, in accordance with the provisions of the Code, canon 1341, § 1 and 3, must be requested: a) by the highest dignitary of the Chapter, after the opinion of the Chapter itself, for preachings dependent on the laws or the will of the Chapter in the respective church; b) by the religious superior, observing the rules of the respective Order or Congregation in the churches of the religious; c) by the parish priest for the parish church and other churches dependent on him; d) and if it concerns the parish priest of a church belonging to a Chapter or a religious Order, by the parish priest himself for those preachings which are dependent on him, apart from the jurisdiction of the Chapter or the religious; e) by the priest primicerius or chaplain of the confraternity for the church belonging to it; f) by the priest rector of the church, who is legally obliged to perform the sacred functions therein, for all those churches that are dependent on other moral bodies, lay religious, nuns, or private individuals. It is expressly excluded that such requests be made or presented by secular individuals, and any custom to the contrary is condemned and abolished.

6. In accordance with the decisions of the Holy Congregation of the Council in Sutrina, May 8, 1688, in Ripana, May 21, 1707, etc., whoever requests this permission must limit himself to the simple proposal of the person, and this subject to the approval of the Ordinary, who alone may use the words "we choose and appoint N.N. for this purpose," etc.

7. The request to obtain a preacher must be made in a timely and appropriate manner, so that the Ordinary may comfortably obtain the necessary information (Code, canon 1341, § 2), and this time generally should not

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be less than two months, as established by the Holy Congregation of the Council in Theanen, April 19, 1728, and April 30, 1729, unless the Bishops establish a different, even shorter, time, according to...

[*Latin ed. p. 337*]

Sacred Congregation of the Council, 337, concerning the nature and importance of preaching, and the quality of a diocesan or extradiocesan preacher.

8. Whoever, without obtaining permission, invites anyone to preach; likewise, every priest who, having been so invited, knowingly accepts and preaches, shall be punished by the Ordinary with penalties at his discretion, not excluding suspension from office.

9. The permission to preach, when it concerns extradiocesan priests, shall be granted in writing, specifying the place and type of preaching assigned.

10. Ordinaries shall never grant the permission to preach to anyone burdened with a grave conscience, unless they first ascertain the piety, knowledge, and suitability of the person, according to the prescriptions of the following chapter; and in the case of extradiocesan priests or religious, only after consulting their respective Ordinary or superior, and having received a favorable response.

11. The Ordinary or religious superior, requested by another Ordinary for information regarding the piety, knowledge, and suitability of one of their subjects for preaching, shall, under pain of grave penalty, provide truthful information to the best of their knowledge and conscience, according to canon 1341, § 1 of the new Code. And the Ordinary who receives such information shall act in accordance with it, and shall maintain absolute secrecy regarding it.

12. If an Ordinary, based on the information received as mentioned in the preceding paragraph, or for another reason, believes that someone should be excluded from preaching, it will suffice to inform the person who made the request of such exclusion, without being obligated to provide further explanations, except to give a reason for their judgment.

CHAPTER 11. How the suitability of the preacher must be ascertained.

13. In general, just as Ordinaries have a strict obligation to ascertain the suitability of a person before authorizing them for the sacred ministry of Confession, and would be considered culpable if they admitted someone to that office who is unworthy by conduct or incapable due to a lack of knowledge; so likewise, they must proceed before admitting and assigning someone to break the bread of the divine word.

14. The ordinary means of ascertaining suitability for preaching, especially regarding knowledge and the manner of presentation, is through an oral and written examination before a commission of three, which may...

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(The text is incomplete here).

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis - Gommentarium Officiale: Individui debent esse electi inter eos qui clerum examinant, et possunt etiam esse sacerdotes extra diocesim vel religiosos, ad arbitrium Ordinarii. Postquam idoneitas in scientia et modo loquendi constataverit, vel etiam ante, sed cum cura non minore, sed potius multo maioris, Ordinarius examinabit si candidatus, propter pietatem, honestatem morum et bonam famam, dignus sit verbum Dei dispensare. 15. Secundum resultatum huius duplici examinationis, Ordinarius candidatum generaliter vel pro specie particularis praedicationis, ad tempus et experimentum, et sub certis conditionibus vel absolute, declarare potest idoneum, eique commendationem perscribere, sicut usitatum est pro confessionibus; vel etiam facultatem praedicandi negare. 16. Non tamen impeditur Ordinariis, in casibus particularibus et exceptionibus, si alii et certis argumentis idoneitatem subiecti constaret, ut aliquem ad praedicationem admittant sine praevia examinatione, de qua supra. 17. Sed absolute vetatur concedere diploma praedicatorum subditis non propriis; et etiam propriis, sed solum titulo considerationis et honoris. 18. Praeter regulares et religiosos exemptos, facultas data est Ordinariis eorum ut ad praedicationem internam in domibus suis eos qui, secundum regulas et constitutiones suas, dignos et aptos esse existiment, deputent; sed semper in conformitate dispositionibus Codicis, can. 1338. Si autem aliquem ad praedicationem in ecclesiis publicis destinare volent, non exclusis illis proprii Ordinis, religiosum ad Ordinarium diocesanus localem praesentare debent ad examen, secundum quod disponunt articuli 13, 14 et 15. CAPUT III. Quid observandum aut vitandum sit in sacra praedicatione. 19. Quia sacra sacre tractanda sunt, nemo se ad praedicandum accedit, nisi si digne se praeparavit studio assiduo et oratione. 20. Materiae praedicationum essentiariter sacrae esse debent (Codex, can. 1347). Si autem praedicator arguentur de materiis non stricte sacris, sed tamen convenientes domui Dei, permissum ab Ordinario locali petere et obtinere debet, qui non concedet, nisi post maturatam considerationem et recognitam necessitatem. Omnibus vero praedicatoribus in omni et absoluto absoluto vetatur loqui in ecclesiis de rebus politicis.

[*Latin ed. p. 339*]

SECTION III. OF FUNERAL ORATIONS.

339. 21. To no one shall it be permitted to recite funeral orations, unless with the prior and explicit consent of the Ordinary, who, before granting it, may also require that the manuscript be shown to him.

22. The preacher should always have before his eyes, and practice, that which St. Jerome recommended to Nepozian: "Read the Divine Scriptures

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more frequently; indeed, let the sacred reading never be removed from your hands... Let the sermon of the priest be founded on the reading of the Scriptures." To this, let the study of the Fathers and Doctors of the Church be added.

23. Citations and testimonies from profane writers or authors should be used with the utmost moderation; and even more so those from heretics, apostates, or infidels; never should those from living persons be used. In this way, and only in this way, can the Christian faith and morals be protected and preserved!

24. The preacher should not aspire to the applause of the audience, but only to the salvation of souls and to the approval of God and the Church. "In the Church, let the teacher stir up not the clamor of the people, but the groans of repentance. Let the tears of the listeners be the praises of your words" (St. Jerome to Nepozian).

25. The system, introduced in some places, of advertising sermons in newspapers or leaflets before the preaching to attract listeners, or, after the preaching, to praise the preacher, is disapproved of and condemned, even if done with good intentions and under the pretext of benefiting others. Therefore, the Ordinaries will take care, as far as it is within their power, to suppress this practice where it is in use, and to prevent its introduction elsewhere.

26. In his manner of speaking, nothing better can be said than what St. Jerome taught to Nepozian (loc. cit.): "I do not want you to be a declaimer and a charlatan, garrulous and without reason; but a man skilled in the mysteries and most learned in the sacraments of God." "To turn words, and to make the speed of speaking create admiration in the uneducated crowd, is the practice of those who are seeking their own ends. Nothing is easier than to deceive the vulgar and uneducated crowd with the fluency of language, who are more amazed by what they do not understand."

27. Therefore, let the reasoning and language of the preacher be proportionate to the capacity of the average listener. As for gesture and delivery, let him maintain that modesty and dignity which befits one who is the Ambassador of Jesus Christ (Code, canon 1347).

28. One must always and with all care avoid making preaching a profession for living, seeking what is his own, and not what belongs to Jesus Christ. Let him not be greedy for dishonest gain, nor let him be tempted by the lure of vainglory. Let him always have vividly in mind what, in conformity with the Gospel, the doctrine of the Apostles, and the example of the Saints, St. Jerome taught to Nepozian (loc. cit.): "Let your works not confound you."

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis - Commentarium Officiale: "Tuus sermo; ne

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cum in ecclesia loqueris, tacitus quilibet respondeat: Cur ergo haec quae dicis ipse non facis? Delicatus magister est qui pleno ventre de ieiuniis loquitur....” ”Sacerdotis os, mens, et manus concordent.”

CAP. IV. De quibus et quomodo praedicationi prohibendum sit.

29. Praedicatoribus qui non aderint praescriptionibus stabilitis in capite praecedente, si corrigebiles sint et pro rebus non gravis, prima vel secunda vice a Episcopo admoniti et represi sint.

30. Si non emendantur, aut si res est de crimine gravi qui scandalum dederit, Episcopus, conformiter can. 1340, § 2 et 3 Codicis:

a) qualia si res est de proprio subdito seu religioso cui ipse dedit facultatem praedicandi, sine humanis curis, ei facultatem praedicandi suspendere aut auferre debet;

b) qualia si res est de extra diocesano seu religioso cui non dedit dictam facultatem, eum praedicare in sua diocesi interdici debet, de omnibus Ordinario suo et eo qui dictam facultatem dicto subiecto dedit, certi faciens; et in casibus gravioribus, aut quando speciales rationes id consiliant, non deerit eum admonere Sacram Sedem.

c) Episcopus etiam, et immo debet, secundum casus, post commissum crimen grave a praedicatore, praedicationem illi interrumpere.

31. Similiter ab praedicatione interdici debentur, alicunde tempore et pro aliquo loco, qui propter suam conversationem aut alium quemlibet causam, etiam sine sua culpa, a stima publica declinassent, ita ut ministerium suum inutile aut nocivum reddatur.

32. Ordinarii diocesani in diocesibus suis constituent commissionem vigilantiae pro praedicatione, quae etiam eadem esse potest quae pro examinationibus.

33. Cum Episcopi et commissiones vigilantiae non poterint in tota diocesi praeesse, de praedicationibus aliquantis in locis longinquis, Ordinarii a Vicariis foraneis seu Parochis informationes particulariter et precise, secundum normas supra indicatas, exigere debent.

CAP. V. De praeparatione remota pro sacra praedicatione.

34. Cura erit Episcopis et Superioribus religiosis formare clericos suos ad sanctam et salutarem praedicationem ab ipsissimis adolescentia, durante studiis, ante sacerdotium, et in annis sequentibus.

[*Latin ed. p. 341*]

Sacred Congregation of the Consistory, 341, 35. Therefore, they must ensure that their clerics, during their theological studies, become acquainted with the various genres of preaching, and that they have before their eyes and contemplate the great examples of it that the Holy Fathers have left us in every form, not to mention those that are found, it can be said, on every page, in the Gospels, in the Acts, and in the Epistles of the Apostles.

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36. The same Ordinaries and Superiors will see to it that the young men are instructed regarding the manner of delivery and the declamation to be used in preaching, so that they may use that gravity, naturalness, and correctness which has nothing theatrical about it, but is fitting for the word of God, and is proper to one who is convinced of what he says, and whose heart is filled with it, and who aims at the sublime purpose of his work.

37. While this is being accomplished in the seminaries or colleges, the superiors will study what kind of preaching is most suitable for one cleric rather than another, and will give a faithful report of this to the respective Ordinary.

38. Nor will the Ordinaries be less diligent in ensuring that the young priests perfect, after ordination, the initial instruction they received in the seminary or college.

39. Taking into account the notes taken during their education, they will begin to exercise them in easier preachings, such as in the teaching of Christian doctrine to children, in brief explanations of the Gospel, and similar matters.

40. Finally, the Ordinaries may prescribe to their clerics that, for a certain time, they undergo each year an examination of preaching in the curia, both orally and in writing, with that method which they deem most suitable, in accordance with the prescriptions of the Code regarding the annual examinations of young priests after their ordination.

From the Sacred Congregation of the Consistory, June 28, the eve of the Holy Apostles Peter and Paul, 1917.

[Signature]

CARD. DELAI, Bishop of Sabina, Secretary.

L. S. V. Sardi, Archbishop of Cesarea, Assessor.

[*Latin ed. p. 342*]

342 Acta Apostolicae Sedis - Official Commentary II

DECREE CONCERNING THE SEPARATION AND INCORPORATION OF RATISBON AND AUGSBURG.

For the better furtherance of the salvation of souls, it is most fitting that the faithful be assigned and incorporated into parishes to which they can more easily and conveniently have access.

Now, since the faithful of the places commonly called Au am Aign and Winden am Aign, who were previously assigned to the parish church of Geisenfeld, in the diocese of Ratisbon, can only attend that same church with great difficulty due to the distance, they presented a petition, imploring that they be separated from the parish of Geisenfeld and the diocese of Ratisbon, and incorporated into the diocese of Augsburg, and that the faithful of the place of Au am Aign be added to the parish of Hoeg, and the faithful of the place of Winden am Aign be added to the filial church of

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Langenbruch, of the parish of Faulenbach.

Wherefore, the Most Holy Pope Benedict XV, having maturely considered the matter and with the consent of both Ordinaries, deigned to grant their petition.

Therefore, following the commands of His Holiness, the Sacred Congregation Consistorial, by the present decree, declares and ordains, with the necessary modifications, that the territories of Au am Aign and Winden am Aign, together with all and each of the faithful residing therein, be separated from the territory of the parish of Geisenfeld, in the diocese of Ratisbon, and be likewise incorporated into the diocese of Augsburg, and that the faithful of the place of Au am Aign be added to the parish of Hoeg, and the faithful of the place of Winden am Aign be added to the filial church of Langenbruch, of the parish of Faulenbach.

For the execution of the foregoing, the Reverend Father Eugenius Pacelli, titular Archbishop of Sardes and Apostolic Nuncio in Bavaria, is appointed, and he is granted the necessary and appropriate powers, including the power to delegate to any person of ecclesiastical dignity, to carry out the aforementioned purpose, with the condition that he transmit to this Sacred Congregation Consistorial, as soon as possible, a certified copy of the completed execution.

4.

[*Latin ed. p. 343*]

Sacred Congregation Consistorial, 343, notwithstanding any contrary matters, also with special mention. "Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 21st of May, 1917. 83 C. CARD. DELAI, Bishop of Sabina, Secretary. L. © S. f V. Sardi, Archbishop of Caesarea, Assistant. III PROVISIONS FOR CHURCHES. By the decrees of the Sacred Congregation Consistorial, the Most Holy Pope Benedict XV has provided for the following churches, namely: On May 8th, 1917. – He appointed the Reverend Father Dominic Rodulphus Caroli, formerly Bishop of Ceneda, to the titular archiepiscopal church of Tirensis, having previously elected him Apostolic Delegate to Bolivia. On May 18th. – He appointed the Reverend Father Julius Drohobeczky, formerly Bishop of Križevci of the Ruthenians, to the titular episcopal church of Polybatensis. On May 21st. – He appointed the Reverend Bartholomew Cattaneo, Rector of the Urban College of the Congregation for the Propagation of the Faith, to the titular archiepiscopal church of Palmyrensis, having previously elected him Apostolic Delegate to Australasia. On June 18th. – He appointed the Reverend Thomas Esser, of the Order of Preachers, to the titular episcopal church of Sinis, who had previously served as a Secretary in the Sacred Congregation for the Indies.

SACRED CONGREGATION OF THE COUNCIL, FOR THE CARE OF

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SOULS AND THE MISSIONS. On March 17th, 1917 – From time immemorial, in the town commonly called Cantalupo Sabino, formerly belonging to the Suburbicarian Diocese of Sabina, and since the year 1841 to the Diocese of Mandelensi, there existed, as there still exists, a single parish and parish church under the title of Saint Blaise. But the care of souls in said town, which even now scarcely comprises a thousand inhabitants, has increased.

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis — Official Commentary. The administration of ecclesiastical affairs was exercised independently, and in alternating weeks, even the application of Mass for the people, by two rectors, each with their own and distinct benefice, one under the title of St. Blaise, and the other under the title of St. Mary, assumed into heaven. However, from this mixed and cumulative, although alternating, jurisdiction over the same people, and from the exercise of parochial offices and duties in the same church, certain inconveniences arose, which Cardinal Brancatius, then Bishop of Sabina, sought to prevent. Taking advantage of the vacancy of the benefice of the rector of St. Mary, he issued a decree on November 1, 1667, during a canonical visitation, in accordance with the form of the Council of Trent, session 24, chapter 13, concerning reforms, establishing that, in the future, the care of souls in that town should be exercised by only one parish priest, or titular of the benefice of St. Blaise, and that the other beneficiary of St. Mary should be appointed as a perpetual vicar and coadjutor. Nevertheless, both beneficiaries retained the ancient revenues and income of their own benefice, except for certain uncertain emoluments, of which two-thirds were assigned to the parish priest and the other third to the vicar. However, it is evident that, over time, other new and greater questions and controversies arose between the vicar and the parish priest, who also assumed the title of Archpriest. To resolve these matters, a meeting was held on November 26, 1749, initiated by the Archpriest and the vicar then in office, which was ratified on December 6 of the following year by Cardinal De Elcio, Bishop of Sabina. In it, both parties definitively agreed that the Archpriest, as well as his vicar, would alternate weekly in applying Mass for the people, and that a certain alternating administration of the parish would be assigned to both; while the celebration of solemn functions was reserved to the Archpriest alone, and only he had the faculty of administering Holy Communion at Easter, baptism, marriage, the sacred viaticum, and extreme unction. Matters proceeded in this manner until the year 1910, when the last vicar died. The Archpriest, as parish priest, did not refuse to undertake the entire care of souls during that vacancy, nor to apply Mass for the people on days prescribed by law. However, his emoluments did not increase; but the royal treasury, attributing the revenues of the coadjutor vicar to the Archpriest, assigned him only five florins per month. However, subsequently, in 1912, after

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the Archpriest had been invested with ecclesiastical and civil authority, under the title of spiritual economist, and the vicariate being vacant, he was assigned not five, but ten florins per month.

[*Latin ed. p. 345*]

Holy Congregation of the Council, 345. The Archpriest, who is also the parish priest, having presented certain doubts to this Holy Congregation, proposed the following, which is the foundation of all the others, and the solution to which will provide an answer to all the rest: "In a single church, in which the care of souls is entrusted to two distinct benefices, so that two beneficiaries, namely the Archpriest, who is also the parish priest, and the coadjutor vicar or assistant curate, serve the church in turn, celebrating Mass for the people each week, does the Archpriest, when one of the beneficiaries is absent, by virtue of his office, assume the entire and complete care of souls, and, in particular, is he obligated to offer the Mass for the people on all and each of the prescribed days?"

In the affirmative case, considering the small compensation he receives, he requests a reduction, so that, as he has already obtained by a decree granted by the Bishop during the sacred Visitation, in the year 1894, he is not obligated to offer more than sixty-five Masses per year. Both the legal and the equitable aspects of this request must be examined.

I. Arguments presented in favor of the petitioner. Regarding the first question, the argument that supports the obligation of the Archpriest of Gantalupo is primarily based on the reasoning derived from the aforementioned decree of Cardinal Brancati of the year 1667, by virtue of which two benefices seem to be united into one, truly and properly called a parish. However, it is clear that such a decree should not be interpreted in this way, because, if it were understood in this manner, it would undoubtedly be null and void from the beginning. Moreover, as Julian teaches in chapter 13 and following, of the *Responsio ad Dubia*: "Whenever there is ambiguity in a statement, it is most fitting to interpret it in the way that makes the matter about which we are speaking more valid, rather than causing it to perish." Indeed, if one understands the decree of Cardinal Brancati to mean that two benefices, which were previously distinct, have been reduced to one by the subjection of one to the other, then this decree is already known to suffer from a certain nullity, because the Bishop cannot, by his own authority, reduce benefices that entail the care of souls to benefices that do not entail such care, "which are more often called 'simple' benefices," as Reiffenstuel states in *Decretales*, book 3, title 5, number 31. The Council of Trent, in session 25, chapter 16, on reform, forbade this, stating: "Ecclesiastical benefices, whatever name they may be called by, which retain the care of souls from their original institution or in any other way, shall not be converted into simple benefices, even if a suitable portion is assigned to a permanent vicar." And this Holy Congregation, on a certain day in July

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1757, in Tivoli, declared the decree of the Bishop to be invalid, which in a similar case reduced two parish priests of the same parish to one, to whom a chaplain or vicar was assigned.

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis - Official Commentary. At that time, upon the complaint of the parishioners, this very Congregation, regarding the proposed question: "Whether the place of Naila could be subject to the reduction of two parishes, namely, one parish and its rectory of Castri Madamae, into a single parish, which would have the obligation of retaining an assistant priest approved by the Bishop," responded: Negatively. However, in order to address objections raised by the Bishop, or disputes arising between two pastors, it added: "The Bishop shall order that both exercise the care of souls, without alternative, and in accordance with the following understanding: that the common expenses be divided equally from uncertain revenues." Therefore, it must also be said, - if we do not wish to admit, indeed, a solemn decree, by which the entire status of our parishes begins, that from the very beginning there was none at all, - that, although under different names, Archpriest and Assistant-curate, the essence of the parish was preserved, to which, according to Bouix, on the parish priest, page 171, "some independence in the care of souls from either party" is sufficient and required. And indeed, this is shown to have been the case by subsequent long-standing practice, which passed into the custom of law through a legitimate agreement confirmed by Cardinal De Elcio in 1749, which, if necessary, would be a corrective of the preceding decree. Through this very agreement, both beneficiaries were assigned the common burden of celebrating Mass for the people, and both the Archpriest and his vicar were assigned the care of souls to be exercised on a weekly rotation. However, the administration of these duties appears to be undertaken independently by each beneficiary, or in their own name: which implies that there are not only one, but, as at least before the decree of Cardinal Brancati, two pastors to be recognized as equal in this case. And indeed, preceding the agreement of 1749, it is stated that the Archpriest and his vicar "have a promiscuous involvement in the government of said parish, and that the common and particular duties have never been determined, nor has their office been divided, so that some have worked little, and others nothing, in their respective occupations." Then, article 3 of the same agreement stipulates that "on the holy days of the prescribed feast, the weekly Mass is celebrated for the people, and the same person gives the explanation of the Gospel, etc." And it is added in article 5 that "on the solemnity of Easter... the Archpriest will always exclusively communicate with the people, as well as administer the holy sacraments of baptism, marriage, viaticum, and extreme unction," but all these things do not seem to be assigned to a single Archpriest by the force of his own and exclusive office, but, as is indicated

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there, only "for the time being."

[*Latin ed. p. 347*]

I. The Holy Congregation of the Council, in paragraph 347, states "to remove all confusion." Furthermore, the attribution of the functions of the spiritual office solely to the Archpriest in article 4 can also be explained by a certain precedence of honor, among equals. Moreover, the obligation of attending to the care of souls and of saying Mass for the people seems to be so intrinsically and personally inherent in the vicar that, at least with the full exercise of his office, the Archpriest should be relieved of this burden. This was specifically demonstrated in the Holy Order, where, in such cases, the celebration was performed by a priest who was an assistant or at least habitually engaged in the care of souls; as is shown by the documents from Camerano, December 16, 1820, and Spoleto, May 14, 1831, and noted in Mechlin, September 25, 1847, and as stated by Santi-Leitner, in his Lectures, book 3, volume 29, number 17. Therefore, in no case does it seem that there is a sufficient reason why, when the vicar is absent, the same burden should be separated from him and transferred to the Archpriest.

II. Arguments presented to the contrary. On the other hand, it does not seem ambiguous that Cardinal Brancati, in his decree of the year 1667, truly, and not merely ostensibly, established only one parish priest in Cantalupo. This is evident not only from the words and the tenor of the decree itself, which would be absurd to interpret in such a way as to imply only a change of names, so that the one who was previously the parish priest would now be called the vicar or assistant; but also from the appeal made to the Council of Trent, session 24, chapter 13, on reform, which decreed: "In those cities and places where parochial churches do not have defined 'boundaries,' and their pastors do not have a specific people to govern, but administer the sacraments to those who request them, the Holy Synod commands the Bishops, for the safer salvation of those entrusted to them, to divide the people into certain and proper parishes, and to assign to each his own permanent and particular pastor, who may know them and from whom the sacraments may be lawfully received; or, in other suitable ways, according to the circumstances of the place." Therefore, since the aforementioned Cardinal Brancati judged it less opportune to establish two parishes in the town of Cantalupo, for the two then-existing distinct parishes, because, as he himself said, "a convenient distinction of the people could not be made," yet wishing to provide for the good of souls through the aforementioned Council of Trent, he attributed the entire and independent care of souls to the beneficiary of Saint Blaise, while assigning only an assistant and dependent role to the beneficiary of Saint Mary. Nor does it seem that what is presented in opposition to the prescription of the Council of Trent, session 25, chapter 16, on reform, is of such importance, under

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which the Bishops...

[*Latin ed. p. 348*]

348 Acta Apostolicae Sedis - The Official Commentary prohibits the conversion of benefices with cure of souls into those without cure of souls. For this general rule appears to admit of an exception, according to the prescription of the same Council, session 24, chapter 13, on reform, which states that, since the division of a parish cannot be carried out in order to eliminate indiscriminate care of souls, the bishops are granted the faculty "by some special means, as the circumstances of the place may require, to provide." Hence, Thomas Aquinas, in *De nova et veteri Ecclesiae disciplina*, part I, book 1, chapter 29, paragraphs 5 and 6, states: "To easily prevent and suppress the quarrels and disputes that readily arise among the curators of a single church, the Holy Synod decreed, at the discretion and authority of the bishop, that either one parish should be divided into two, and each assigned to its own curator, or that a single pastor should be appointed, and to him should be added as many vicars as the size of the parish requires, as coadjutors." Wernz, *Ius Decret.*, volume II, title 39, page 1030, note 15, agrees, noting: "Bouix and Hinschius maintain that it is absolutely possible for one parish to have not only one, but several (true) pastors; but they have not demonstrated that such a practice is in conformity with common law, except by a particular decision of the Sacred Congregation of July 9, 1757 (or as mentioned above, in Tivoli), and by customs, which are more tolerated than approved. Therefore, it is much less possible for the bishop to reintroduce such a practice, which is so singular and alien to the current discipline; rather, it is more in accordance with the mind of the Church if such monstrosities are eliminated." Therefore, it cannot be admitted that the aforementioned decree of Cardinal Brancati in the year 1667 was repealed by a subsequent decree of Cardinal De Elcio in the year 1749, and even more so because this decree merely confirmed an agreement initiated by the Archpriest and his vicar, in which the particular relations between the two were defined fairly, without any thought of a necessary derogation or correction. Finally, another reason supports the obligation of the Archpriest in the case, namely, to exercise the complete care of souls and to celebrate Mass for the people on all festivals, even those that have been abolished, because he was appointed by ecclesiastical authority as the spiritual administrator of the vacant benefice of Saint Mary, and as such, he is recognized by civil authority. It is also known that a spiritual administrator, that is, he who "in any parish church that is vacant, must be appointed by the bishop to fulfill the obligations of such a church until the election of a new pastor," according to the Constitution *Cum semper oblatas* of Benedict XIV, and that he cannot exempt himself "from

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the aforementioned obligation" of celebrating Mass for the people.

[*Latin ed. p. 349*]

The Holy Congregation of the Council, 349. Therefore, having been obligated by the Archpriest of Cantalupo, with the benefit of the vicar vacant, to exercise the care of all souls and to say Mass for the people, even on all days, including holidays, the question remains only concerning the dispensation of grace, namely, whether the aforementioned Archpriest should be granted permission to say only 65 Masses for the people each year, as he has previously obtained, albeit temporarily. Regarding this petition, several matters must be considered according to duty. Firstly, the alleged concession appears not to be sustainable, since it was granted solely by the authority of the Bishop, namely, by the decrees of the pastoral visitation of the year 1894. It is known that Bishops, even when visiting their dioceses, can do nothing in this matter, as expressly stated by Pope Pius IX in the Constitution *Amantissimi Redemptoris*, and they possess only the power, granted to them by Pope Benedict XIV in the celebrated Constitution *Cum semper oblatas*, to transfer, namely, to grant the favor of applying the Mass for the people to another day within the week, for the benefit of truly poor parish priests. However, the granting of an apostolic dispensation in this case seems to be hindered by the very gravity and importance of the law, "since it is commanded by divine precept that those to whom the care of souls has been entrusted 'must know their sheep, and offer sacrifice for them,'" as stated by the Council of Trent, Session 22, Chapter I, on reform. This law has been explained and confirmed by the Holy Fathers Innocent XII, in the Constitution *Nuper*, April 24, 1699; Benedict XIV, in the Constitution *Cum semper oblatas*, August 19, 1744; and Pius IX, in the Constitution *Amantissimi Redemptoris*, May 3, 1858, and it is always observed, so that even an ancient custom cannot exempt one from its obligation, as stated in the aforementioned Benedictine Constitution, and the lack of proper compensation should not be considered, as also affirmed by this Holy Congregation, for example, in *Neocastren.*, January 16, 1771, paragraph 1; and in *Senogallien.*, March 20, 1790. Therefore, the aforementioned law is usually relaxed only for very serious reasons, as indicated by the practice of this Holy Congregation. Thus, in order to alleviate the needs of the parish priests, a dispensation has sometimes been granted regarding the suppression of Masses on holidays, and for a limited time, due to the necessity itself: as can be seen in *Spoletana*, March 27, 1893, and *Fodian.*, April 28, 1888, and as noted by Lucidi, in *De visitatione SS. LL.*, Volume 1, number 350. More frequently, especially in Italy, a dispensation to suppress the Mass for the people on holidays, and sometimes even on some of the days of precept, is granted, not for the benefit or profit of the parish priest, but for the benefit of the seminary or other reasons of the diocese; as is the case here, namely, for the benefit of

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the seminary of Mandelensis. However, in this case, there does not appear to be a just and reasonable cause that would warrant the granting of an apostolic dispensation, not even for the suppression of Masses on holidays, for the exclusive benefit and advantage of the Archpriest of Cantalupo.

[*Latin ed. p. 350*]

Acts of the Apostolic See - Official Commentary, page 350. For it possesses a suitable parochial endowment, and furthermore, some remuneration is paid to him monthly for his new office as spiritual administrator, although it is by no means substantial; and finally, the deficiency of a vicar will not last long. It must also be noted that, as mentioned above, the concession itself could potentially result in a loss to the diocesan seminary and other works of the diocese of Mandelensis. Therefore, given these circumstances, there does not seem to be a reason to offer prayers.

Furthermore, the following questions were proposed at the plenary session of the Holy General Council on March 17, 1917:

I. Whether the Archpriest, who is also the parish priest of the place called Gantalupo, is obligated, when the office of vicar is vacant, to exercise the entire care of souls and to offer the Mass for the people on all feasts, even those that are suppressed in such a case? And to this, the answer is affirmative.

II. What consideration should be given to the prayers of the same Archpriest, who is also the parish priest, in this case?

The Fathers judged that the following should be answered: To I, affirmatively in all respects. To II, provision has been made in the first.

Having made a report on the foregoing to His Most Holy Lord Benedict, Pope, in an audience granted on the following Sunday to the undersigned Secretary, His Holiness deigned to approve the resolutions of the Fathers.

I, [Name], Secretary.

RESOLUTION.

SACRED CONGREGATION FOR RELIGIOUS, OF THE DAUGHTERS OF SAINT URSULA OF SAINT ANGELA MERIGIA.

At the General Chapters held on May 19, 1917, before the Most Reverend Fathers Cardinals of the Sacred Congregation for Religious, having considered the Decree of the same Sacred Congregation of June 30, 1911, by which the aggregation of the Daughters of Saint Ursula to the Third Order of Franciscans is granted in order to obtain the privileges and indulgences of the same Third Order, the following questions concerning the relations between the Daughters of Saint Ursula of Saint Angela Mericia and the Third Orders, especially the Third Order of Franciscans, were proposed and answered:

I. Whether the Daughters of the Society of Saint Ursula can be enrolled

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in the Third Order of Saint Francis, or in another Third Order?

[*Latin ed. p. 351*]

The Holy Congregation of Religious, 351 II. Whether the families of the Society of the Daughters of Saint Ursula can also enjoy the privileges and indulgences granted to the Third Order of Saint Francis by the Decree of the Holy Congregation of Religious of the year 1911, even if they have not expressly requested said communication. III. Whether the Daughters of Saint Ursula, insofar as they are members of the Franciscan Third Order, can participate in meetings and functions held in the local congregations of the Third Order. IV. Whether those who are attached to any religious Third Order can transfer to the Society of the Daughters of Saint Ursula. The aforementioned Fathers considered it appropriate to respond to these doubts as follows: To I, negatively. To II, affirmatively. To III, negatively. To IV, affirmatively, but leaving the Third Order to which they belonged. Our Holy Lord Benedict, by Divine Providence, Pope XV, having granted an audience to the Secretary of the Holy Congregation on the twentieth day of the same month of May, deigned to approve and confirm the resolutions of the aforementioned Fathers. I. CARD. TONTI, Prefect. f Adulphus, Bishop of Canopita, Secretary. SACRED CONGREGATION OF RITES, LYONS, CONCERNING THE SACRED UNCTION OF HANDS IN ORDINATION. Reverend Father S. Kyne, a missionary residing in the city of Lyons, humbly proposed the following questions to the Sacred Congregation of Rites, to be resolved: I. Whether, with regard to the words "palmas," concerning which the Roman Pontifical, when speaking of the unction of the hands of a priest, says: "he anoints entirely the palms," is it to be understood that only that part of the hand is meant which extends from the wrist?

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis - Official Commentary: Should the three fingers mentioned, namely the middle, ring, and little fingers, also be included, or should only the index finger be anointed? II. And concerning the negative response to the second part, should the unction in ordination extend to the very tip of these three fingers, or should it be restricted to that part of the hand commonly called the palm of the hand, that is, the part that extends from the arm to the fingers, excluding them? III. Does a priest who has received the index finger anointed in battle, with permission to celebrate, require the anointing of that middle finger before he celebrates? The reason for the doubt is that some theologians say that the anointing is not required because the entire hand is consecrated in ordination, but the rubric concerning the anointing of the hands in the Pontifical does not speak of the hand, but of the palm. And the Sacred Congregation of Rites, after hearing the opinion of a special Commission, decided that the following should be answered: • Regarding I. The interior part of the hand,

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including the fingers, must be understood, according to the meaning of the Rubric and the formula of the Roman Pontifical. Regarding II. As provided in I. Regarding III. Negatively, and so it is decreed. And thus it was written, on January 12, 1917. A. CARD. VICO, Bishop of Portuense and St. Rufina, Secretary of the Sacred Congregation. II TREVISO CONCERNING THE "TUBULAR BELLS" IN THE ORGAN. The Most Reverend Bishop of Treviso proposed the following question to the Sacred Congregation of Rites for a suitable solution: Is it permissible to add to an organ used for liturgical purposes instruments commonly called "tubular bells"?

[*Latin ed. p. 353*]

The Holy Congregation of Rites, 353, and the same Holy Congregation, having considered the Motu Proprio of Our Holy Father Pius X, concerning sacred music, n. 4121, of November 21, 1903, title VI, n. 18 and 12, together with the subsequent declarations, and having heard the opinion of a special commission, decided that the following response should be given: Negative. And it wrote and declared this, on May 18, 1917.

[Signed] A. CARD. Vico, Bishop of Porto and Santa Rufina, Secretary of the Holy Congregation.

L. S. Alexander Verde, Secretary.

III. AREQUIPA. DECREE CONCERNING THE INTRODUCTION OF THE CAUSE OF THE SERVANT OF GOD, ANNA AB ANGELIS MONTEAGUDO, FOR BEATIFICATION AND CANONIZATION, A NUN PROFESSED IN THE ORDER OF SAINT DOMINIC.

The sign of the Christian faith, which the most illustrious Christopher Columbus planted and erected in the remote regions of Americae, has, with the passage of time, borne and continues to bear the most excellent fruits of virtue and sanctity. For the Cross of Christ the Redeemer, through the ministry of the Catholic Church and the protection of divine grace, makes earthly men heavenly, and gathers them into one body under one head, teaches, nourishes, and preserves and rejoices them with new and glorious triumphs, as the Lord says: "And I, if I be lifted up from the earth, will draw all things to myself."

Now, let our minds and eyes turn to the city of Arequipa, in the nation of Peru, where Anna ab Angelis Monteagudo, a nun professed in the Order of Saint Dominic, followed in the footsteps of Lima, a virgin of the same Order, and of Rosa a S. Maria, the first flower of Southern America, sweetly fragrant, and gave a similar fragrance of virtue and honesty. This handmaid of God, born in Arequipa in the year 1602, at the beginning of the 17th century, was the daughter of honorable and wealthy parents, Sebastian Monteagudo and Francisca de Leon. Still a child, she was received into the flourishing monastery of Saint Catherine of Siena in the same city, so that she might be educated there in matters pertaining to the family and

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literature, as well as in religion and piety. After a few years of good and suitable instruction, the girl returned home. Her parents desired that their daughter should...

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis - The official commentary was seriously delayed; but she, aspiring to better graces, fostered the sense of divine vocation with holy works and pious exercises, so that she might prepare herself to enter into more noble nuptials with the heavenly Bridegroom. Subsequently, illuminated and moved by a certain heavenly light and inspiration, she re-entered the aforementioned monastery, and requested a habit from the nun whom she had previously known, and she received and put on a habit that was old and worn, rejoicing greatly and showing herself to be as one of the members of the community. However, her parents used all their skill and industry to bring Anne, whom they loved above all their other children, from the cloister walls to a more comfortable and gentle way of life in the family. But in vain: for the girl, neither seduced by flattery, nor frightened by threats, remained steadfast and constant in the purpose she had undertaken, and she endured and overcame the domestic strife so that, even though it was against the wishes of her parents, but not in their direct opposition, and after speaking with the prioress, who was first uncertain, then, having cast aside her hesitation, gave her consent, she remained in the monastery to properly prove her vocation. During this time of probation, she happily fulfilled her duties, and, having been restored to the favor of her parents, and having also acquired the dowry required of her, she was legitimately received among the sisters of St. Catherine of Siena, with unanimous consent and joy; and at the appointed time and with the proper rites, she professed her religious vows. Obedient and subject to the prioress of the monastery, diligently devoted to the decorum of the divine worship and constant prayer, and dedicating her efforts to various works of charity, she provided an example worthy of praise and imitation to the nuns and others, in her life and conduct, as well as in contemplation and action. Thus, she first became the mistress of the novices, and then, in the year 1648, she was elected and confirmed as the superior of the nuns. She wisely fulfilled both roles, having received them through obedience, and she governed and directed the religious community with gentleness and strength. Many difficulties and grave dangers occurred in the administration of that monastery to Anne, but she was delivered and freed from all of them by the help and assistance of God. The wise and prudent virgin, whom the Lord had appointed over her family, while properly fulfilling the duties of her office, and while diligently dedicating herself to her spiritual perfection with a chaste and austere life, frequent reception of the sacraments, fervent love of God and her neighbor, and faithful observance of her vows, finally, afflicted by a grave and prolonged illness, which she patiently endured, hastened

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to her future homeland. Prepared to meet her heavenly Bridegroom, she passed from this life peacefully and unexpectedly, on January 10, 1686, at the age of eighty. The nuns of St. Catherine, and all who recognized the angelic virtue of Anne, considered her salutary documents and examples to be the best inheritance, far surpassing all other possessions, that she had left to them. Concerning this reputation for sanctity,

[*Latin ed. p. 355*]

The Holy Congregation of Rites, number 355, long after the death of the Servant of God, completed an Informative Process in the ecclesiastical court of Arequipa; however, the records of this process were not transmitted to the city until the year 1887. Therefore, in order to continue and increase her reputation until the present time, a new, supplementary process has been prepared and submitted to the Sacred Congregation of Rites. When all things are in readiness, in accordance with the law, and after a review of the writings of the Servant of God, it is possible to proceed further. At the request of the Reverend Father Ludovico Fanfani, General Promoter of the Order of Preachers, who recently succeeded the venerable Father Mauro M. Kaiser in that office, and after considering the letters of the Most Illustrious and Reverend Archbishops and Fathers of the Plenary Council of Latin America, presided over by the Most Reverend Cardinal Joseph Calasanctio Vives y Tuto, who were assembled in the Eternal City in the year 1889, the current Archbishop of Arequipa, along with other dignitaries of the Republic of Peru, as well as Chapters of Cathedrals, superiors of orders, religious congregations, pious societies, and other men of ecclesiastical or civil distinction, together with the Most Reverend Father General of the Order of Preachers, the Reverend Mother Superior and Sisters of the Venerable Monastery of Saint Catherine of Siena in the city of Arequipa, and His Eminence and Reverend Lord Cardinal Raphael Merry del Val, the Promoter of this Cause, were convened in the Ordinary Assemblies of the Congregation of Sacred Rites, and the following question was proposed for discussion: Should a Commission be appointed for the introduction of the Cause, in this case and to the effect of which we are speaking? And the Eminences and Reverend Fathers, who are responsible for safeguarding the sacred rites, after hearing the report of His Eminence, the Promoter, and after also hearing the voice and writings of the Reverend Father Angelo Mariani, Promoter of the Faith, after careful consideration, decided to write: Affirmative, that is to say, that a Commission should be appointed for the introduction of the Cause, if it pleases the Most Holy [Father], on June 5, 1917. Subsequently, a report was made to His Holiness, Pope Benedict XV, by the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites, and His Holiness, having approved the decree of the same Sacred Council, deigned to sign with his own hand the Commission for the introduction of the Cause of the Servant of God, Anne of Angels Monteagudo,

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professed nun of the Order of Saint Dominic, on the 13th day of the same month and year.

[Signed:] ANTONIUS CARD. VICO, Bishop of Portuen and S. Ruf., Secretary of the Sacred Congregation.

L. g*' S. Alexander Verde, Secretary.

[*Latin ed. p. 356*]

356 Acta Apostolicae Sedis - Official Commentary ACTS OF THE SACRED TRIBUNALS. ROMAN ROTA. NULLITY OF MARRIAGE (SANTELLI-STETTINER). Under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on the 20th of October, 1916, the Most Reverend Fathers, Doctors, William Sebastianiii, Dean, Ponens, Seraphinus Many, and Ioannes Prior, Auditors, in the cause of Pitilianen. - Concerning the nullity of marriage, - between Liberata Santelli, represented by her legitimate procurator, the advocate Henry Benvignati, and Torquatus Stettiner, who was contumacious, with the Reverend Defender of the Bond intervening and arguing in the cause, rendered the final judgment in the appeal. Penelope Gortini, twice a widow, through the agency of a certain relative of Dominic Brizzi, learned of a certain Peter Stettiner, a man of some standing, in society. This man, in order to distract his son, Torquatus, then twenty-three years of age, from a scandalous love affair with a certain Mary Scotti, from whom he had already received a child, set his sights on Penelope's daughter, Liberata Santelli, who was fifteen years old and very wealthy, and proposed her marriage to Torquatus to his mother. Penelope readily agreed to this proposal, because she believed that Peter would provide her with a very powerful aid, either in settling certain legal matters, or in managing the prosperous marriage of her own daughter, Liberata. Hence, without any delay, it was first arranged that Torquatus should see Liberata, which occurred on February 25, 1907; then, having been recalled from the college of nuns in which she was being educated, Penelope received Torquatus into her home, and he remained there until the celebration of the marriage. But neither of the betrothed could foster the mutual affection which might have been hoped for from the familiarity of life; for Torquatus was constantly occupied with amorous thoughts, day and night; and Liberata, for her part, was by no means fond of her betrothed.

[*Latin ed. p. 357*]

Saint Bonaventure, Book 3, Chapter 57, discusses the matter of marriage. Nevertheless, at the insistence of her parents, and after a very short time and with the granting of two dispensations, the marriage was contracted on October 14, 1907. However, the outcome was most unfortunate, for almost a year and a half later, conjugal life was abruptly ended without any hope of reconciliation, although the marriage had been initially celebrated with

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joy. After this, the spouses petitioned the ecclesiastical judge, Torquatus at the Pitilian Court, for a declaration of nullity of the marriage, alleging that it had been contracted under duress. However, this action was not pursued. Liberata Santelli, after being heard by the Sacred Congregation on November 23, 1912, and after four completed hearings on August 18, 1916, received a judgment favorable to her. From this judgment, as is legally proper, the defender of the bond appealed; hence, the case is now again to be considered under the usual formula of inquiry: Should the final judgment of August 16, 1915, be confirmed or overturned in this case? The law pertaining to this matter states that marriage does not consist merely in the external ceremony before a priest, but primarily in the internal consent of the contracting parties. This consent must be entirely free, both because any servitude that accompanies the marital contract can only be imposed on one who consents willingly and spontaneously, and because a friendly life, which should exist between spouses, would be impossible under coercion, and the burden would be far too intolerable. Therefore, a marriage begun under duress is null; likewise, it is null, at least in ecclesiastical law, if it is contracted under grave fear, at least with respect to the one who is afraid, and if that fear is both unjust and directly aimed at extorting consent to the marriage, Canon 14, 15, 28, Title II, De sponsalibus et matrimoniis. This extends even to what is called reverential fear, provided it is qualified; that is, provided that this fear is accompanied by, for example, prolonged, insistent, and importunate prayers, harsh words, a stern countenance, etc., as has been consistently decided by the Sacred Congregation, as seen in the documents Parisien, February 26, 1910; Varsavien, July 21 of the same year; Parisien, March 13, 1911, etc. Now, to the facts. Liberata Santelli, in her response to point 6, states: "From the very beginning, I was strongly opposed to this marriage, and from that time on, 'my mother exerted her will to force me into it; consequently, I was reprimanded, threatened, and beaten on several occasions. Scenes of this kind occurred almost every day.'" Regarding this grave and constant opposition asserted by the plaintiff, it is established by the testimonies of witnesses, and first, the mother of Liberata, Penelopes, should be heard, whose testimony, although not formally presented, is of great value, because it was given under oath before a priest: "Furthermore, even my daughter did not..."

[*Latin ed. p. 358*]

358 Acta Apostolicae Sedis - Commentarium Officiale "si ostentabat minus indifferente... Cum illis rationem 'venti eorum duo (Torquati eiusque patris) ad Pientiam' exposui, mirata 'dici mihi: 'Num fortasse inquisitionem 'dotis meae faciunt?' Pater Stettineri postulatum ad Liberatam fecit... Filia mea non respondit, sed potius mirationem ostendebat... Ad tempus discessus, duo iuvenes se frigide valedixerunt... Sponsi inter se multam indifferéntiam ostendebant, de quo ego valde dolébam; immo,

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sponso videns filiam meam ad fenestram, asperimè reprehendebat, et haec saepe, flevens, dicebat: 'Mamma, mittite illum ab, quia ego non volo eum spondere'." De hac item repugnantia Liberatae contra matrimonium cum Torquato, Octavia delle Macchie, mulier honesta et religiosa, cuius fides probata est, uti a parocho Pacelli testatur, quae servitio familiae Santelli iam ab nativitate Liberatae addicta, totam rem probe cognovit, refert: "Mi est nota 'aversio quae actrici Liberatae Santelli fuerat pro sponso ei imposito 'a matre; saepe dixit mihi ipsi se non velle maritari 'Stettineri, et se effudit et flevit propter pressiones matris. Durante dimoram fidanzati pro circa sex mensibus in domo 'actricis Santelli, non vidi nisi signa 'mutua affectus inter eos. Haec 'aversio duravit usque ad vigiliam matrimonii." Pariter de 'aversione et frigiditate Liberatae erga sponsum, Ursulina Sbrolli, Petrus Mangini, Bartholomaeus Sbrolli, Assumpta Chiesi, Melchiades Puttini, Elvira Romagnoli, Angelus et Telemacus pariter Romagnoli referunt. Hanc Liberatae repugnantiam, ut Penelopes vinceret, non solum suasiones, sed etiam 'obiurgationes, minas ac verbera adhibuit, ut testantur omnes fere testes excussi. Ita Maria Brizzi: "Fui 'praesens ad plus quam unam scenam, in qua 'mater filiam reprehendebat et 'percutebat 'propter hoc matrimonium." Et Octavia delle Macchie: "Saepe 'opere 'debi 'assistere ad scenas, in quibus 'mater 'minabatur et 'percutebat filiam, ut eam ad matrimonium 'Stettineri 'coagueret." Ulterius Elvira Romagnoli: "Memini etiam quod in alia 'circumstantiis, cum 'mater et 'filia 'reditabant 'ab 'Abbadia, vidi in domo eorum, 'praesens etiam 'Stettiner, ut ambae semper 'bisticciarentur 'propter matrimonium, et 'mater 'unum 'manrovescium 'ad filiam 'dedit, quae 'vulnus 'sustinuit." Angelus tandem Romagnoli, aliis omissis testibus: "Ipsum (matrimonium) 'certè 'contractum 'est ad 'instigationem 'matris. 'Media 'usa 'ad 'determinandum Liberatam ad matrimonium 'consistebant in 'argumentis et 'persuasionibus, quae 'mater 'illi 'ferebat 'in ordine ad 'conditiones, in quibus 'ambae 'se 'inveniebant 'propter 'inte-."

[*Latin ed. p. 359*]

The Roman Rota, number 359, speaks of "economic pressures." Furthermore, there were reprimands, and "at times, even slaps, to persuade her to that end." All of this demonstrates not only a qualified reverence, but also an ordinary fear that was heavy within her; for threats, vexations, and blows impose such a weight that, in their presence, even the mind of a steadfast man cannot fail to tremble. It is not surprising that Penelope employed coercion to break her daughter's stubborn will. For, on the one hand, she believed, as was said in court, that this marriage would bring her great advantages; on the other hand, she was of an imperious will, of a temperament prone to anger, and of unwavering determination. This is indeed true, to the extent that, when the parish priest of Saint Vitalis in the City refused to grant a dispensation regarding Torquato's state of

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freedom, she attempted to conceal this impediment from the local parish priest, Reverend Pacelli, so that no obstacle would be placed in the way of the marriage; as Pacelli himself stated: "I would have had to 'break off all negotiations'; but it was important to me that the marriage 'take place, and therefore I drank deeply, indeed. I made sure that 'nothing leaked out of all this, and I kept it hidden from everyone, and especially from my own parish priest.'" Conversely, the daughter, Liberata, is reported by all witnesses to have been of a gentle and timid nature, and entirely incapable of resisting her mother's will. Liberata's aversion to Torquato persisted until the celebration of the marriage. Indeed, Elvira Romagnoli testifies: "I remember a fact to which I myself was a witness, and which occurred twenty or thirty days before the marriage. One day, I was in the house of the Santelli family, and the maid, Ottavia delle Macchie, was present, who was combing Liberata's hair, and I saw Liberata burst into tears. When I asked her what the matter was, she replied: 'What do you want, they are forcing me to do it' (referring to the marriage)." Two days before the marriage, the actress testified: "My mother announced to me that the wedding would be celebrated as soon as possible. At this news, I burst into tears, protesting that I did not want to have the husband that was being imposed upon me; I left the house alone with the intention of not returning, and it was only due to the intervention of the maid, who followed me, that I returned home." Furthermore, Silvia Savini recounts that, on the eve of the marriage, Liberata was reluctant, stating these words: "I later learned, from the bride's mother, that the night before the wedding, the daughter, who was sleeping in the same room as her mother, had begged her to let her escape and hide in some farmhouse." The same is reported by Ersilia Baiocchi, A. Chiesi, Silvia Savini, and Joseph Orienti, who heard it from the mother or the bride. And not...

[*Latin ed. p. 360*]

360 Acta Apostolicae Sedis - Commentarium Officiale. Another remedy, besides flight, was available to Liberata to avoid the imposed marriage. For she, obtaining nothing from her mother, had recourse to her parents and friends with tears and prayers. But these either did not dare to intervene between the mother and daughter, or they vainly attempted to soften the mother's obstinacy. Thus, Maria Brizzi stated in testimony 2: "Having warned my cousin (Penelope) about the man from Stettin, who was having relations with a young woman from whom he had a child, she replied to me: 'She must marry him, even if he were Musolino, otherwise I will kill her.' The daughter was also present at this scene, and she burst into tears." Moyses Romagnoli, the maternal uncle of the actress, stated in testimony 2: "Having one day observed to the mother the lack of propriety of this admonition, she replied, in the presence of the other brother, Angelo, and his wife, Elvira, that she could even drown her, without giving an

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account to anyone." The same was reported by another maternal uncle of the actress, Angelus Romagnoli: "Having made objections about this to the mother, she replied to me with a curse, showing the necessity of this admonition in order to have a firm hand in the house to protect her interests." However, as the diligent defender of Liberata observes, Liberata could have freed herself from her mother's coercion by revealing to her own priest that Torquato had denied her the testimony regarding his free state, due to his alleged engagement to another woman. But first, Liberata's patron proves that Liberata never, either alone or with her mother, visited the priest of St. Vitalis in Rome, from whom the testimony was requested. Furthermore, it would have to be demonstrated that Liberata, barely fifteen years old, understood the significance of the priest's denial. Finally, it could not be concealed that Liberata's mother's anger, indignation, and violence were increasingly escalating. Therefore, since Liberata could not in any way avoid her mother's coercion, on October 14, 1907, a day which Penelope calls "a fateful day," the marriage was celebrated. However, from what has been stated above, it must be presumed that the marriage was entered into under the influence of fear; for a change of will is never presumed, when the circumstances remain the same. Furthermore, the records seem to indicate this. Indeed, Ursula Sbrolli confesses: "I witnessed the marriage, and I had the impression that Liberata was neither content nor distressed." Silvia Savini, however, stated: "I did not witness the marriage, but having wanted to see the procession of the wedding cortege, I noticed that the bride had more the appearance of a resigned victim than of a happy bride, walking with her head bowed, in such a way as to contrast with the splendor of the wedding dress." Telemacus.

[*Latin ed. p. 361*]

In Rome, on the 36th day of [month], Romagnoli stated: "I attended the marriage, and I had the impression that 'Liberata' did not perform that act of her own free will." And that this is indeed the case is demonstrated by the events that occurred shortly after the marriage. In fact, the bride did not receive the usual signs of affection from her husband; the wife appeared sad, cold towards her husband, and almost fearful of him, as reported by the coachman Nellus Baiocchi. The wife did not spontaneously offer conjugal duties; continuous disagreements arose between the spouses. Finally, when the husband indulged in his former loves, and spent Liberata's inheritance, and did not cease to harass her, barely seventeen months after the beginning of the marriage, although a child had been born in the meantime, the marital life was dissolved. Seeing this sad outcome of the marriage, the mother recognized her perverse way of acting, and repeatedly and in many ways expressed her own conscience and anguish, as the actress and more than twelve witnesses testify from their own knowledge. Certainly, this confession of the mother, made after the dissolution of the marriage,

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by itself does not constitute proof of fear, but since it was made at a time not suspicious with respect to the present case, and since it fully agrees with the testimonies of the actress and the witnesses, it certainly strongly confirms what has been said about the serious and reverential fear instilled in the daughter. Two testimonies are presented in opposition to these. The first is from Caroli Barbini, the mayor of the town of Piancastagnaio, who said: "Being the mayor of the town, I received their civil consent (Liberata and Torquato), and I could observe that while the Santelli seemed quite willing to perform the act she was undertaking, the Stettiner remained very serious, almost as if at a funeral rather than a wedding." The second is from the parish priest, Reverend Pacelli, who stated: "I add that I did not observe any signs of agitation or sadness in them the evening before the celebration of the marriage, when, having called them aside and alone in a room, I questioned them about Christian doctrine, and I also noted that the bride was more cheerful than the groom... That the young woman, of a gentle character and of a joyful age, would conform without any opposition to the desires of her mother, I believe it is possible; I deny that there was coercion to remove the freedom of the act." However, it must first be noted that we are dealing with the testimonies of external family members, who, although in all respects respectable, are certainly not to be preferred to the testimonies of family members, who are considered to be better informed; for fear, especially reverential fear, is often hidden and silently endured by the patient; therefore, it is not surprising that, in the presence of outsiders, they may appear indifferent, and even cheerful, since no one wants to reveal their own feelings, lest they expose themselves to human judgment. Furthermore, in the proof of fear, it is not required that in all actions the husband should appear sad.

[*Latin ed. p. 362*]

The Acts of the Apostolic See – the official records – demonstrate this. Therefore, it is rightly and justly admitted that two witnesses testifying under duress are of greater value than a thousand testifying of their own free will, especially concerning matters of the mind. For those testifying under duress speak of acts of the mind; which are known only to God, and can be feigned before men; whereas those testifying of threats, quarrels, and vexations, speak of things perceived by the senses, as noted by Emus Lega in the case of Vesprimien, July 2, 1911. Finally, the last words of the parish priest: "I deny that they were coerced to the point of losing their freedom of action," when supported by no facts, express the utmost opinion of the priest himself. Indeed, the records demonstrate that Reverend Pacelli labored not a little for the validity of the marriage, perhaps because he was not hindered, since after the lamentations of Penelope, he did not properly question the betrothed, and without any instituted inquiry concerning the free state of Torquato, he blessed the marriage. After all these things

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have been duly and diligently considered, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, invoking the name of Christ, decree and definitively declare that the sentence of August 16, 1915, is to be confirmed; that is to say, to the proposed question, we respond: Affirmatively to the first part, Negatively to the second. Thus we declare, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, that they should order the execution of this our definitive sentence, and against those who resist, they should proceed according to the sacred Canons, especially chapter 3, session XXV, concerning reforms, of the Council of Trent, employing the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on October 20, 1916. William Sebastiani, Dean, Presiding. Seraphinus Many. John Prior. I v * S. From the Chancery, October 24, 1916. Rev. T. Tani, Notary.

[*Latin ed. p. 363*]

The Roman Curia Diary, 363. DIARIUM ROMANAE CURIAE. SACRED CONGREGATION OF RITES. Tuesday, June 5, 1917, in the Apostolic Palace at the Vatican, the Ordinary Session of the Sacred Congregation of Rites was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals comprising the same, the following matters were presented: 1. The introduction of the cause for beatification and canonization of the Servant of God, Anne degli Angeli Monteagudo, professed nun of the Dominican Order, who died in the year 1686 in the city of Arequipa in Peru; 2. Concerning the revision of the writings of the Venerable Servant of God, Paul Ginhae, professed priest of the Society of Jesus. Tuesday, June 19, 1917, in the Apostolic Palace at the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates and the theological consultants comprising the Sacred Congregation of Rites, the Preparatory Session was held to discuss the doubt: "Whether there exists a martyrdom, the cause of the martyrdom, and the signs or miracles of the Venerable Oliver Plunket, Primate of Ireland and Archbishop of Armagh," who is asserted to have been killed in hatred of the Faith in the year 1681.

SECRETARY OF STATE. APPOINTMENTS. By means of tickets from the Secretary of State, the Holy Father deigned to appoint: May 30, 1917. The Most Eminent Lord Cardinal Ludovico Billot, Promoter of the Institute of Secular Priests of Christian Doctrine. June 6, 1917. The Most Eminent Lord Cardinal Gennaro Granito Pignatelli di Beimonte, Protector of the Religious Sisters of the Immaculate Conception of Lourdes.

[*Latin ed. p. 364*]

364 Acta Apostolicae Sedis - Commentarium Officiale, May 6, 1917. The Most Reverend Cardinal Basilio Pompilj, Member of the Sacred Congrega-

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tion of Religious.

The Most Reverend Cardinal Gaetano Bisleti, Protector of the "Congregation of the Sisters of the Charitable Instruction of the Holy Infant Jesus, called of St. Mam."

The Reverend Father Pietro Giriaci, Minute-taker of the Sacred Congregation for Extraordinary Ecclesiastical Affairs.

8. Monsignor Giuseppe Palica, titular Archbishop of Philippi and Vicegerent of Rome, Consultor of the Supreme Sacred Congregation of the Holy Office.

Monsignor Carlo Perosi, Assessor of the Supreme Sacred Congregation of the Holy Office, Consultor of the Sacred Congregation for Causes of Beatification and Canonization.

9. The Most Reverend Cardinal Andrea Frühwirth, Protector of the Institute of the Dominican Tertiary Sisters of "St. Mary of the Springs" (Columbus, Ohio, United States of America).

The Most Reverend Cardinal Oreste Giorgi, Protector of the Archieconfraternity of St. Trifone, in St. Salvatore in Primicerio.

25. The Monsignors: Domenico Spolverini, Rector of the Pontifical Roman Major Seminary; Giacomo Sole and Giovanni Biasiotti, Prelates Referendaries of the Supreme Tribunal of the Apostolic Signature.

26. The Reverend Father Paolo Gény, S.J., Consultor of the Sacred Congregation for Seminaries and Universities.

With notes from the Secretariat of State, the Holy Father deigned to promote:

June 5, 1917. Monsignor Francesco Vagni, from Secretary of a Nunciature of the first class to Auditor of the second class.

25. Monsignor Giuseppe Fameli, from Prelate Referendary of the Supreme Tribunal of the Apostolic Signature to Prelate Voting of the same Supreme Tribunal.

[*Latin ed. p. 365*]

From the Roman Curial Diary, 365. By Apostolic Briefs, the Holy Father has deigned to appoint:

To the Papal Court:

May 23, 1917. Monsignor Giuseppe Medardo Emard, Bishop of Valleyfield.

Apostolic Protonotaries, as if participating:

May 23, 1917. Monsignor Giovanni De La Croix Dorais, of the diocese of Valleyfield.

June 14. Monsignor Francesco Lanzoni, of the diocese of Faenza.

Domestic Prelates of His Holiness:

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May 5, 1917. Monsignor Ernesto Patenôtre, of the diocese of Troyes.

June 1. Monsignor Vincenzo Cosme Navarro, of the diocese of Corbridge.

Monsignor Giuseppe Kelly, Economus of the English College of Valladolid.

June 4. Monsignor Giovanni M. Bouchard, of the diocese of Montauban.

Monsignor Giuseppe Nizier-Fossat, of the same diocese.

June 6. Monsignor Aristide Magni, of the archdiocese of Bologna.

June 11. Monsignor Emilio Barthe, of the diocese of La Rochelle.

Monsignor Ovidio Bauré, of the same diocese.

June 12. Monsignor Giuseppe Adriani, of the diocese of Montalto.

June 23. Monsignor Luigi Mindelli, of the archdiocese of Brindisi and Ostuni.

June 14. Monsignor Giovanni Battista Du Plantier, of the diocese of Périgueux.

June 15. Monsignor Eriberto Fonti, of Rome.

HONORS.

By Apostolic Briefs, the Holy Father has deigned to bestow the following honors:

The Order of Saint Gregory the Great, with Plaque:

June 19, 1917. To Mr. Filippo, free Baron Wambolt von Umstadt, of the diocese of Mainz.

The Order of Saint Gregory the Great, civil class, with Plaque:

June 14, 1917. To Mr. Giacomo Britten, of the archdiocese of Westminster.

[*Latin ed. p. 366*]

366 Acta Apostolicae Sedis - Official Commentary. The Order of Saint Gregory the Great, civil class: May 19, 1917. To the Most Reverend Mr. Paolo de Churruca y Dotres, formerly secretary of the Spanish Embassy to the Holy See. » » May 20. To the Reverend Dr. Alvino Ach, professor at the University of Munich. » » May 24. To the Reverend Mr. Enrico Froidevaux, professor at the Catholic Institute of Paris. » » To the Reverend Mr. Ferdinando Lepelletier, professor at the same Institute. » » To the Reverend Mr. Ludovico Guénée, professor at the same Institute. May 19. To the Reverend Mr. Ignazio M. de Arredondo y Martínez, of the diocese of Vittoria. The Knighthood of the Order of Saint Gregory the Great, civil class: May 10, 1917. To the Reverend Mr. Lorenzo Testers, of the diocese of Breda. » » To the Reverend Mr. Giuseppe La Couture, of the diocese of Troyes. » » May 24. To the Reverend Mr. Francesco Saverio de Fournier, of the archdiocese of Rennes. » » May 30. To the Reverend Dr. Giacomo Rossetti, surgeon at the Cottolengo. » » To the Reverend Dr. Vincenzo Gallo, surgeon at the Cottolengo. » » To the Reverend Dr. Angelo Ariotti, surgeon at the Cottolengo. »

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» To the Reverend Mr. Giuseppe Revellino, administrator at the Cottolengo. June 6. To the Reverend Mr. Dionisio Joly d'Aussy, of the diocese of La Rochelle. » » To the Reverend Mr. Adriano Foucault, of the same diocese. » » To the Reverend Mr. Giustino Coutouseaux, of the same diocese. » » To the Reverend Mr. Pietro Gaudet de Zestard, of the same diocese. » » June 14. To the Reverend Mr. Luigi Piccinno, of the archdiocese of Otranto. » » June 18. To the Reverend Mr. Luigi Babina, of the archdiocese of Bologna. The Knighthood of the Order of Saint Gregory the Great, military class: May 23, 1917. To the Most Reverend Count Aymeric de Bertier Pinsaguel, of the archdiocese of Toulouse. The Order of Saint Sylvester the Pope, class of Commander: May 24, 1917. To the Reverend Mr. Andrea Proebes, of the archdiocese of Munich. The Knighthood of the Order of Saint Sylvester the Pope: May 24, 1917. To the Reverend Mr. Giovanni Canti, of the diocese of Senigallia. » » To the Reverend Mr. Giuseppe Battistini, of Rome. » » To the Reverend Mr. Augusto Vaici, of Rome.

[*Latin ed. p. 367*]

From the Roman Curial Diary, 367, June 14, 1917. To Mr. Nicola Piccirillo, of the archdiocese of Otranto. 22. "To Mr. Giuseppe Emanuele Goenaga, attached to the Legation of Colombia at the Holy See. THE PAPAL HOUSEHOLD, BY ORDER. With the letters of His Eminence, the Reverend Monsignor, the Holy Father has deigned to appoint: Extraordinary Secret Chamberlains: May 28, 1915. Mons. Francesco Leite Barbosa, of the diocese of Fortaleza. Mons. Emanuele Candido dos Santos, of the same diocese. Mons. Giuseppe Learne Menescal, of the same diocese. Mons. Emanuele Francesco da Frota, of the same diocese. Mons. Vincenzo Pinto Teixeira, of the same diocese. Mons. Miceno Clodoaldo Minhares, of the same diocese. Mons. Custodio de Almeida Sampaio, of the same diocese. Mons. Giuseppe Candido de Queiroz Lima, of the same diocese. Mons. Francesco de Hollada Cavalcante, of the same diocese. June 16, 1917. Mons. Luigi Talamoni, of the archdiocese of Milan. Mons. Cesare Gafmri, of the same archdiocese. June 26. Mons. Pietro Tramontana, of the archdiocese of Reggio Calabria. June 29. Mons. Michele Hartig, of the archdiocese of Munich and Freising. Mons. Giacinto Brùgnoli, of the diocese of Osimo. June 8. Mons. Giuseppe Tellarini, Official of the Holy Congregation of Sacraments. Mons. Vincenzo Sirabella, Official of the same Holy Congregation. June 9. Mons. Giuseppe Ghigi, of the archdiocese of Ravenna. Mons. Antonio Avosani, of the diocese of Cremona. Mons. Giovanni Battista Diletti, of the diocese of Montalto. June 11. Mons. Guglielmo T. Me Gouirl, of the diocese of Brooklyn.

[*Latin ed. p. 368*]

368 Acta Apostolicae Sedis - Official Commentary, June 1917. Monsignor Enrico Gaiazzo, Official of the Holy Congregation of Religious. 14.

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Monsignor Gaetano Giusino, Canon of Saint Mary ad Martyres in Rome. 19. Monsignor Oreste di Magno, of the diocese of Anagni. Chamberlain of Honor, wearing a peacock blue habit, by His Holiness: May 28, 1915. Monsignor Vincenzo Salazar da Cunha, of the diocese of Fortaleza. Chaplains of Honor outside of Rome, by His Holiness: May 28, 1915. Monsignor Vincenzo Godofredo Macahiba, of the diocese of Fortaleza. March 25, 1916. Monsignor Gilberto Vincenzo Bull, of the diocese of Nottingham. NECROLOGY. May 30, 1917. Monsignor Pietro Scebli, Archbishop of Beirut. June 14. Monsignor Giuseppe Maria Ranees y Villanueva, Bishop of Cadiz.

[*Latin ed. p. 369*]

Year IX - Vol. IX, August 1, 1917, No. 8. ACTA APOSTOLICAE SEDIS, Official Commentary. ACTA OF POPE BENEDICT XV. APOSTOLIC LETTER. I. A PERPETUAL, DAILY PLENARY INDULGENCE IS GRANTED TO THE BASILICA OF SAN JUAN DE DIOS IN GRANADA.

BENEDICT XV, POPE.

For the lasting memory of the matter.

In Granada, in Spain, there exists a notable temple dedicated to Saint John of God, renowned for its size and for its precious works of art, and formerly celebrated by the piety of the faithful, and recently enriched by privileges through Ourself. Now, since the General Vicar of the Order of Saint John of God, commonly known as "Do good, brothers," has presented to Us petitions, so that We might, out of Apostolic benevolence, grant that temple the privilege of a perpetual, daily plenary indulgence, We have deemed it fitting to assent to such pious requests, as far as is possible in the Lord. Wherefore, having heard Our Venerable Brother, the Most Reverend Cardinal Penitentiary Major, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, We grant, by these presents, that all the faithful, of both sexes, who, truly contrite and duly absolved by sacramental confession, shall enter the Basilica of Saint John of God, in Granada, in Spain, and there offer devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, shall gain, on any day of the year, a plenary remission of all their sins, ACTA, Vol. IX, No. 8. - 1-8-1917. 24.

[*Latin ed. p. 370*]

The Acts of the Apostolic See – Official Commentary 370: With merciful kindness in the Lord, We grant and bestow the indulgence and remission, which can also be applied to the souls of the faithful detained in Purgatory, as a form of suffrage. Furthermore, We decree that all other indulgences

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and all privileges by which the Basilica is endowed, remain unchanged. Contrary decrees notwithstanding. These present decrees are valid for all times, present and future. Given in Rome, near the blessed Peter, under the Fisherman's ring, on the tenth day of June, 1917, in the third year of Our Pontificate. P. Card. GASPARRI, Prefect of the Secretariat of State.

II. THE APOSTOLIC PREFECTURE OF KASSAI SUPERIOR, IN THE BELGIAN CONGO, IS ERECTED INTO AN APOSTOLIC VICARIATE. BENEDICT XV. For the perpetual memory of this matter. – The supreme office of the apostolate, by which We, though undeserving, serve on earth, urges Us to diligently provide for the good, prosperity, and happiness of the Catholic name and the eternal salvation of the faithful. Indeed, in recent years, the Catholic religion in the Apostolic Prefecture of Kassai Superior, in the Belgian Congo, has made joyful progress, both with regard to the increase in the number of Christians and missionaries, and with regard to the multiplication of institutions of education and charity, with God's favor; We, after consulting with Our Venerable Brothers, the Most Reverend Cardinals who are in charge of the affairs of the Propagation of the Faith, have considered it fitting to erect the aforementioned Prefecture into an Apostolic Vicariate, so that eternal salvation may be more suitably provided for in that mission. Therefore, with Our own motion, and with certain knowledge and mature deliberation, and with Our Apostolic authority, by the force of the present decree, We erect the Apostolic Prefecture of Kassai Superior, in the Belgian Congo, into an Apostolic Vicariate, preserving its current boundaries; and We entrust the Apostolic Vicariate, thus erected by Us, to the care of the Missionaries of the Immaculate Heart of the Blessed Virgin Mary of Scheltvelt. We decree that these present letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and shall be able to fully suffice for those to whom they pertain, now and in the future: and that they shall be judged and defined accordingly, and shall be declared void and null if otherwise determined concerning these matters.

[*Latin ed. p. 371*]

The acts of Pope Benedict XV, page 371, state that no one, by any authority, knowingly or unknowingly, shall attempt to alter this. Notwithstanding any contrary provisions. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the thirteenth day of June, 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

CONCERNING THE ERECTION OF THE APOSTOLIC PREFECTURE OF "BAHR-EL-GAZAL" INTO AN APOSTOLIC VICARIATE.

BENEDICT XV, POPE.

For the sake of posterity.

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That We may diligently perform those things which are conducive to the better management of sacred affairs, and that, with an increase in the number of pastors, the care of the Christian flock may be more diligently provided for, the supreme office of the apostolate urges Us, which We may exercise on earth, though undeserving.

Indeed, since in the Apostolic Prefecture of "Bahr-el-Gazal" the Catholic name has been increasingly promoted, and the Christian faith has received greater and greater growth, it has seemed opportune to erect the aforementioned Prefecture into an Apostolic Vicariate. Therefore, after consultation with Our Venerable Brothers, the Most Reverend Cardinals presiding over the affairs of the Propagation of the Faith, and after considering the multitude of sacred buildings in those regions, the number of institutions of education and charity, and the piety of the people, We have deemed it fitting to decree the following.

Therefore, by Our own initiative and with full knowledge and mature deliberation, and by the fullness of Our Apostolic authority, by the present document, We erect the Apostolic Prefecture of "Bahr-el-Gazal" into an Apostolic Vicariate, preserving the existing boundaries.

We decree that these present letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, now or in the future; and that, in all things, judgment and definition shall be made according to the foregoing, and that anything to the contrary, attempted by anyone, by any authority, knowingly or unknowingly, shall be null and void.

Notwithstanding any contrary provisions.

Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the thirteenth day of June, 1917, in the third year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 372*]

372 Acta Apostolicae Sedis - Official Commentary

TO THE MEMBERS AND NUNS OF THE CONGREGATION OF THE MOST HOLY REDEEMER, THOSE WHO RECITE A CERTAIN PRAYER ARE GRANTED AN INDULGENCE OF 300 DAYS IN PERPETUUM.

BENEDICT XV

For the perpetual memory of this matter:— Since the Most Holy Virgin Mary, Mother of Perpetual Help, is the principal Patroness of the Congregation of the Most Holy Redeemer, it seems opportune to Us that those who dedicate themselves to this same Congregation should make a special prayer to the Blessed Virgin Mary, through which they may

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commend themselves and the Institute to the piety of this most excellent Mother. Therefore, the prayers which the Supreme Moderator of the aforementioned Congregation has shown to Us, and a copy of which We have ordered to be kept in the Archive of Apostolic Briefs, so that no error may occur in the future, We duly approve with Our Apostolic Authority, and, having heard also Our beloved son, the Most Reverend Cardinal Penitentiary Major, We gladly enrich the heavenly treasures of the Church. Wherefore, to all and each, whether members or nuns of the Most Holy Redeemer, who, at least with a contrite heart, have recited the following prayer, We grant, as a favor, a remission of three hundred days of the penitences enjoined upon them, or of any other debts, according to the usual form of the Church, and We grant that such remissions of penitences may also be applied for the benefit of the souls of the faithful detained in Purgatory. These concessions are valid perpetually. To those who act to the contrary, notwithstanding, We decree nothing to the contrary.

The following shall be the prayer:

"O Mary, Mother of Perpetual Help, I commend Our Congregation to You, of which You have willed to be the special Patroness. I beseech You, protect it and defend it from all evil, especially from any relaxation, however small. May poverty, chastity, obedience, observance of the rules, the spirit of prayer, and zeal for souls, especially for the abandoned, flourish in it. May You obtain from the Divine Redeemer an abundance of heavenly blessings for Our missions and other apostolic works. Surround Our superiors, members, and friends with Your constant favor and protection. Finally, protect all the spiritual and temporal goods of the Institute with Your maternal protection. O Our Lady, O Our Mother, remember that You are the Protector of the Congregation which You have possessed from the beginning."

Given at Rome, near the blessed Peter, under the Fisherman's Ring, on the 15th day of June, 1917, in the third year of Our Pontificate.

P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 373*]

373 The acts of Pope Benedict XV grant certain partial indulgences and a plenary indulgence for all time to the members of the Institute of Christian Schools.

POPE BENEDICT XV. For the perpetual memory of this matter. — The most beloved son, Himerius of Jesus, General Superior of the Institute of the Brothers of the Christian Schools, reports to Us that the brothers of his religious family are accustomed to reciting a certain pious prayer, "Masters before school," in order to humbly obtain divine grace. In order that this pious recitation may be enriched with greater spiritual benefit, the aforementioned General Superior presents to Us petitions, so that We may

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deign to grant certain indulgences from the treasure of the Church, which has been divinely entrusted to Us, to this very recitation. We, granting these petitions, having heard Our beloved son, the Most Reverend Cardinal Penitentiary Major, and confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, grant to all and each of the Brothers of the Institute of the Christian Schools, wherever they may be, who, on any day of the year, recite the prayer "Masters before school," according to the model which We have ordered to be preserved in the Tabula of the third Section of Our Secretariat of State, in whatever language, provided that the translation is faithful, with at least a contrite heart, three hundred days from the number of days of penance prescribed by the custom of the Church. The text of the prayer is as follows: "Lord, it is You who are my strength and my patience, my light and my counsel; it is You who subject the hearts of the children whom You have entrusted to my care. Do not abandon me to myself for even a moment. Grant me, for my own conduct and for that of my students, the spirit of wisdom and understanding, the spirit of counsel and of strength, the spirit of knowledge and of piety, the spirit of Your holy fear, and an ardent zeal to procure Your glory. I unite my work with that of Jesus Christ, and I pray the most holy Virgin, Saint Joseph, the Angels, Saint John Baptist de la Salle, that they may protect me in the exercise of my office. So be it." Furthermore, We grant to those same brothers who, throughout the entire year, have recited the aforementioned prayer on any day of each month, and on one day of that same month, having duly confessed and received the Eucharistic food, to their community chapel, or to any public church, a plenary indulgence, provided they also perform the usual conditions, namely, confession, the exclusion of all mortal sin, and the recitation of the Creed and the Our Father, and a prayer for the intentions of the Supreme Pontiff.

[*Latin ed. p. 374*]

374 Acta Apostolicae Sedis - Official Commentary: Let pious visitors come, and there, for the concord of Christian princes, for the extirpation of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, let them pour forth devout prayers to God; and on that day, we mercifully grant to all a plenary indulgence and remission of all their sins in the Lord. Furthermore, we grant that to these brothers themselves, if they so wish, it may be lawful to expiate the faults and penalties of their works through these plenary and partial indulgences. Notwithstanding any contrary provisions. This shall be valid for the present and for all future times. We decree that, with respect to these present Letters, whether transcribed, or in printed form, if signed by the hand of a public Notary and sealed with the seal of a person in ecclesiastical dignity or office, the same full faith shall be given to them as would be given to the present Letters if they were exhibited or shown. Given in Rome, at Saint Peter's, under the

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Fisherman's Ring, on the sixteenth day of June, in the year 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Secretary of State.

SIX DAILY MASSES IN THE ARCHDIOCESE OF NEO-EBORACENSIS: PERMANENT INDULGENCES AND PRIVILEGES ARE GRANTED. BENEDICT XV. For the lasting memory of the matter. — "Our beloved son," John M. S. R. E. Cardinal Farley, by apostolic concession and dispensation, Archbishop of Neo-Eboracensis, informed Us that he had come to the decision to establish a "Daily Mass Association" in his own Archdiocese, which had already been established on the island of Hibernia, and which We had recently enriched with heavenly treasures of the Church. Since he earnestly desires to attract even those faithful entrusted to him to attend Holy Mass daily, and thus more easily to partake of the divine banquet; he made supplications to Us, that We would deign to grant to those participating in this work the same plenary and partial indulgences that were granted for Hibernia. Therefore, We, being fully persuaded that abundant fruits of piety and religion will be derived from such an association in the Lord, and having also heard Our beloved son, S. R. E. Cardinal Poenitentiario Maiore, We have judged it fitting to favorably accede to these pious requests. Wherefore, by Our Apostolic Authority, We grant to all and each Christian faithful of both sexes in the Arch-

[*Latin ed. p. 375*]

By the authority of Pope Benedict XV, 375 indulgences are granted to members of the diocese of New York who belong to the "League of Daily Mass," provided that, on the first day of their entry into this association, if they have truly repented and confessed, they receive the Sacrament of the Most Holy Eucharist; and to members of this association, at the moment of their death, if they have truly repented and confessed, and have received Holy Communion, or, if they are unable to do so, at least if they have been contrite, they have invoked the name of Jesus, if they can, but otherwise, with devout heart; and also to those members who, during any month of the year, have attended Mass for at least nine consecutive days, and on one day of their choosing from these nine days, have truly repented and confessed, and have received Holy Communion, and during Mass have offered devout prayers to God for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, we grant and bestow, with merciful kindness in the Lord, a plenary indulgence for all their sins. Furthermore, to these same members, who, at least with a contrite heart, have attended Mass on any feast day, and have prayed during that Mass, as is customary, we grant seven years and forty days. And to those members who have performed any work of piety or charity as prescribed by this League, we remit one hundred days from the penitences prescribed to them, or from any other debts of penance, according to the usual practice of the Church. We grant that

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all of these indulgences, remissions of sins, and relaxations of penances, with the exception of the plenary indulgence to be obtained at the hour of death, may also be applied for the benefit of the souls of the faithful detained in Purgatory. Finally, by our Apostolic authority, we decree that, as if Mass were celebrated for the soul of any member at a privileged altar, so too it will benefit that soul, as if it had been celebrated at a privileged altar. Notwithstanding any contrary provisions. These present decrees are to be perpetually valid. We decree that to these present letters, or copies thereof, even printed ones, signed by a public notary and sealed with the seal of a person in ecclesiastical dignity or office, the same faith shall be given as would be given to the present documents if they were exhibited or shown. Given at Rome, near St. Peter's, under the Fisherman's ring, on the twenty-sixth day of June, 1917, in the third year of Our pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State.

[*Latin ed. p. 376*]

376 Acta Apostolicae Sedis - Official Commentary. LETTER I: Concerning the EXPOSTULATION published by the MEXICAN BISHOPS, regarding the law recently enacted in that land concerning the reform of the state, which is approved by the Holy Father, and He announces that on the feast of the Blessed Virgin of GUADALUPENSIS, he will offer prayers for the Mexican people. Venerable brothers, greetings and the apostolic blessing. — You know that, not by a single argument, the Catholic Church has long been, and still is, deeply concerned by the events and changes occurring in your land; and you are not unaware that We, although separated from you by so great a distance, share your concerns and anxieties. But why do We today address you, venerable brothers, with these letters? The reason is that expostulation which you recently published, after the law concerning the reform of the state in the United Mexican States was promulgated in Queretari on the ninth of February of this year. We have indeed read, and carefully considered, what you have written in common council, given the gravity of the matter; and from it, as We expected, We have observed both the ardent zeal for defending the rights of the Church, and the concern for safeguarding the faith of your people, a concern all the greater in proportion to the violent storms that threaten; and finally, the inherent love of your homeland, whose prosperity, as you rightly say, cannot be separated from the reverence due to the ancestral religion. Now, if this expostulation is based on these sentiments, which are evident to everyone, it must also be acknowledged that it contains many and serious reasons; for in some chapters of the new law, the rights of the Holy Church are neglected, while in others, they are completely violated. Therefore, knowing that you have justly protested against this unjust injury to the Church and the detriment to the Catholic cause, We acknowledge that you have acted in perfect accordance with your pastoral duty, and in a manner worthy of our praise.

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Furthermore, let it be a comfort to you that We, as a special testimony of Our paternal charity, are here to support you in your distress, and that We will spare no effort to help and assist you. In the meantime, venerable brothers, if indeed you need encouragement, let yourselves be imbued with the most gentle spirit of Christ Jesus, the Prince of Pastors, so that, overcoming evil with good, you may exhibit that magnanimity, steadfastness, and patience that you must, above all, now display. For since you are primarily concerned that the Catholic...

[*Latin ed. p. 377*]

From the acts of Pope Benedict XV, 377: May religion be restored here to its former glory, may the harmony of the citizens and the sanctity of discipline flourish, which you endure daily with so much hardship and suffering; may you offer these to God, so that He may grant you, as soon as possible, the merciful help you desire. And you will not lack the most blessed Mother of God, who watches over the Mexican people from the Shrine of Guadalupe; and as she has, as on other occasions, shown herself to be the most present Patron of the nation, so there is no doubt that she will grant you, in this great adversity, timely and effective help. We will certainly pray for you before her throne, and indeed, in order that some sign of this union may exist, we wish, venerable brothers, to inform you that on the twelfth day of December, on which day the feast of the Blessed Virgin of Guadalupe is celebrated among you, We will offer prayers in her honor, with the special veneration that you show her under that title, and for the salvation of the most beloved Mexican people. Let those things which We have decided be announced to the faithful of your dioceses, so that on that very day, united with us in prayer, they may more easily bring about the blessings of peace and tranquility for this so troubled homeland. As a witness to our paternal benevolence and hopes, We impart to you, venerable brothers, and to the entire clergy and people among you, our apostolic blessing. Given in Rome, at St. Peter's, on the fifteenth day of June, in the year 1917, in the third year of Our pontificate. BENEDICT XV.

To the Most Reverend Brother John Joseph, General Moderator of the Brothers of Christian Instruction, on the occasion of the completion of the first century since the founding of that religious family.

Beloved son, greetings and the apostolic blessing.

It has pleased Us to hear that the first centenary of the religious family, of which you are the head, will be celebrated at the end of this year; although these times scarcely allow Us to enjoy such joys. However, remembering the merits of your Order for the Church and for civil society, We cannot help but rejoice. It is well known that, after that great change of affairs that

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occurred at the end of the eighteenth century, when there was great...

[*Latin ed. p. 378*]

Acts of the Apostolic See - Official Commentary 378: You have been a most excellent aid to the parishes, both in other aspects of pastoral ministry, and especially in educating and instructing the young. Those schools, which were established in the town of Ploërmel and subsequently spread throughout Brittany, are, indeed, largely due to the fact that that region of France is distinguished above all others by the steadfastness of the ancient faith and by the integrity of morals. We are also aware that this work, undertaken by you, under the leadership of the Venerable Francis Mary de la Mennais, for the common good, has not been confined to the borders of Brittany, but has extended to other provinces, and even to overseas territories, with considerable benefit to souls and to the growth of religion. Therefore, we congratulate you on having progressed so far, despite not a few and not insignificant difficulties. At the same time, we desire and hope that, considering this period of happy achievement, you will take up with renewed zeal the tasks that remain. And this also because, now that this war has ended, the ranks of the clergy, weakened again and almost everywhere, will require, more than ever before, zealous helpers, such as yourselves, to perform their sacred ministry. - In order that the heavenly graces which are dispensed among us may make you more eager, we grant, with the customary conditions, a plenary remission of sins to you and to all those who are associated with you, on the 29th of September next, or on any other day that may seem more convenient to you, when you will celebrate a sacred function to give thanks to God. As a pledge of these divine graces and a witness of our paternal benevolence, we impart to you, dear son, and to all the members and supporters of this association, our apostolic blessing. Given at Rome, near the blessed Peter, on the 16th of June, 1917, in the third year of Our Pontificate. BENEDICT XV. TO THE RIGHT REVEREND FATHER STEPHEN BABIN, of the Benedictine monastery dedicated to "Queen of Peace" of the Virgin Mary, at "Cogullada." Dear son, greetings and apostolic blessing. — We are very pleased to learn that you, together with your associates, have made plans for the dedication of this church, which you intend to restore with new and greater splendor, in the coming month.

[*Latin ed. p. 379*]

Acta Benedicti PP. XV, 379, October following, when sufficient progress has been made, of the Queen of Peace. It originates, as we see, from a particular devotion to Us. For, understanding that Our mind is deeply grieved by this immense slaughter of sons, you strive, as much as is in you, to console Us, imploring the Most Blessed Virgin: whose intercession with God, as she who has proclaimed herself "Prince of Peace" to the world, we have

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publicly declared that we trust most in, to bring this war to an end. In this, we recognize in your students the spirit of the best and most pious men, who have never desired anything more than to obey the wishes, and indeed the commands, of the Roman Pontiff. We, however, gladly embrace this act of piety offered to Us, because it is joined with the office of fraternal charity, concerned not only with the common salvation of the nations, which have been fighting among themselves for too long, but also with the eternal rest of so many for whom this very conflict has brought death. This is entirely in harmony with your order: for it is your emblem, handed down from the Most Holy Patriarch, to be Peace, and the zeal and diligence of Odilo of Glun, in helping the souls of the pious dead, continues in you as a hereditary right. Indeed, to demonstrate how strongly we approve of your intention, we wish that this church be dedicated, according to the statute established by you, in the time of the Lord, under the title of Queen of Peace, by Our authority. Therefore, we announce to the Venerable Brother Franciscus, Archbishop of Myra, who presides over this apostolic mission, that he is Our Legate, to carry out this dedication in Our name. And we grant him the power to bestow the papal blessing, with full remission of sins, upon all those present, after the sacred ceremony has been completed. Moreover, we grant the benefit of a plenary indulgence, to be obtained once under the usual conditions, during the dedication ceremony, and also perpetually on the anniversary of that day, to all who visit this church at that time, for the purpose of prayer. In the meantime, as a pledge of divine graces and a witness to Our paternal benevolence, we impart to you, beloved son, and to all your companions, Our most loving apostolic blessing. Given at Rome, at St. Peter's, on this, the 20th day of June, 1917, in the third year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis - Official Commentary

To the Most Reverend Father Leander Sghenner, Benedictine, Archabbot of St. Vincent, on the occasion of the completion of twenty-five years since his abbatial inauguration.

Beloved son, greetings and the apostolic blessing.

The approaching day, when you will duly complete twenty-five years as abbot, and when you are already celebrating your sixtieth year of monastic profession, provides us with a welcome opportunity to express the esteem with which we regard you, due to your merits. Since you have been appointed prefect of this monastery, you have not only diligently served your order, safeguarding and strengthening the discipline of your brethren, but also the American Church, through the excellent philosophical and theological studies established in the seminary attached to the monastery. Therefore, while heartily congratulating you, and offering thanks to God for you and all yours, we grant you the power, in our name, to bless the

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approaching day, once and for all. May the divine blessings, which we desire for you, be upon you, beloved son, and may you receive our most affectionate apostolic blessing.

Given in Rome, at St. Peter's, on the second day of July, 1917, in the third year of Our Pontificate.

BENEDICT XV

To the Reverend Father Alfred Louwick, General Vicar for the Missionaries of the "Sodalitas Mulierum a Caritate," founded three centuries ago.

Beloved son, greetings and the apostolic blessing.

If there is anything that deserves to be fostered by us with particular care, it is certainly the pious Sodalitas of women devoted to charity. For in those things which your most illustrious father and lawgiver, in his concern for the salvation of others, providentially instituted, this holds a prominent place, both in its timeliness and in its usefulness. It is well known that, many years before the founding of the Congregation of the Mission, that most excellent man united pious women in a society, to alleviate the suffering of those burdened by poverty and infirmity, in many ways.

[*Latin ed. p. 381*]

The Acts of Pope Benedict XV, page 381, record that he observed these calamitous circumstances and, in order to provide assistance, instituted the Daughters of Charity, so that through their constant dedication, the work of beneficence might be accomplished. Therefore, from the very beginning, they were given the name "servants of the sick and poor." It cannot be sufficiently explained how great a force for good this Society has proven to be, having spread far and wide throughout the world in the space of three centuries. These benefits encompass the whole person, and, as is fitting, are provided by virtuous women, aiming at the healing of souls through the care of bodies. Indeed, how powerful is Christian charity in persuading; and it is not easily resisted by good exhortations, when they are accompanied by good deeds.

Therefore, since we have learned that sacred celebrations are to be held next December for the three hundredth anniversary of this salutary institution, We deem it fitting to make them more solemn with the gifts of a pontifical indulgence, and also, so that, as the number of the poor has grown beyond measure, We may encourage all good people to assist them. Therefore, We grant to all members of the Vincentian Society, not only from this society but from every family, who shall celebrate this secular anniversary with any supplication, a plenary remission of sins, under the established conditions. And may the blessings of heaven, and Our paternal benevolence, be a witness to you, beloved son, and to all those whom you have mentioned, and We impart to you most lovingly Our apostolic

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blessing.

Given at Rome, near St. Peter's, on the 13th of July, 1917, in the third year of Our pontificate.

BENEDICT XV.

TO PETER S. R. E. CARDINAL LA FONTAINE, PATRIARCH OF VENICE, OFFERING THANKS FOR THE MOST COURTEOUS LETTERS IN WHICH HE, TOGETHER WITH THE DOCTORS OF THE FACULTY OF CANON LAW, CONGRATULATED US ON THE PROMULGATION OF THE NEW CODE.

Beloved son, greetings and the apostolic blessing.

You, who, in your office as Chancellor, direct this pontifical lyceum of canon law, and you, beloved sons, presidents and doctors of the same faculty, wrote to Us on the first of July, and you congratulated Us with joyful hearts on the promulgation of the new Code, so that We have taken great delight in this noteworthy event, and We wish to reiterate and reaffirm it to you.

[*Latin ed. p. 382*]

382 Acta Apostolicae Sedis - We feel it appropriate to express our gratitude. Indeed, as you write, there are several reasons why you are pleased to share in our joy. Among these is the fact that, for the entire Catholic name, within the vast and widely dispersed body of ecclesiastical laws, these laws have been collected into one place, with obsolete or those alien to the present time removed; this is especially important for men of the sacred order, so that they may have clear laws, which they must both retain and propose to the faithful for observance; and no less benefit will accrue to experts in law, especially those who instruct students in such a discipline, since previously, in matters that were disordered and complex, they were disturbed by a great variety of opinions. But you rightly say that there is a particular and special reason for your joy: namely, that you have been the author of the compilation of the Code, and that your Lyceum may justly boast of being the most generous author of canonical law. Therefore, you may consider this outstanding work as having been received from the hands of our deceased predecessor, Pope Pius X, so that, by explaining the Code more accurately and completely to your students, you may seem to have rendered greater honor to the immortal memory of your parent. Otherwise, who does not see that the task entrusted to you will be less burdensome to fulfill in the future? In this matter, we wish that you will transmit the discipline of canonical law in such a way that you will gradually explain the Code, as it develops, through prayer; for it will not be pleasing to us if anyone, through excessive ingenuity, and by diverting students from the more direct path, should lead them into errors

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or difficulties. What remains, know that the observations and studies with which you have pursued your writing have been received by us with great pleasure; and so that we may repay you, we impart to you, our beloved son, as well as to the prefect and professors of this canon law institute, our paternal blessing and the witness of the heavenly gifts of our charity, with all our love in the Lord. Given at Rome, near St. Peter, on the sixteenth day of July, in the third year of our pontificate. BENEDICT XV.

[*Latin ed. p. 383*]

ACTS OF THE HOLY CONGREGATION OF THE CONSISTORY

I. BUSCODUCEN.

CONCESSION OF THE PALLIUM TO THE REVEREND FATHER DOM GÜILELMO VAN DE VEN, BISHOP OF BUSCODUCEN.

"The works which you have diligently performed during your long episcopate, for the good of the faithful and for the benefit of the Catholic religion, have moved Our Most Holy Lord Benedict XV, so that, upon the completion of the twenty-fifth year of your episcopate, He might freely bestow upon you both the reward for your labors and a testimony of His benevolence. Wherefore, Our Most Holy Lord has judged and decreed to grant to you, for the person of your episcopate, the Sacred Pallium, taken from the body of the blessed Apostle Peter. Therefore, by this Consistorial decree, the same Most Holy Lord assigns and grants to you the Sacred Pallium, a symbol of the fullness of pontifical dignity, that you may use it in the sacred functions according to the liturgical norms, and that you ought to do so. Furthermore, in order that it may be imposed upon you for the first time, the Most Holy Pope, by the same decree, delegates the Reverend Archbishop of Ultraiectensem, or, if he is hindered, another prelate whom you prefer, who has communion and is in harmony with the Apostolic See, before whom you shall swear the customary oath of fidelity, according to the formula attached to this decree. These present letters are valid, as if they had been given under the papal seal, and nothing contrary shall hinder them.

Given at Rome, from the Secretariat of the Holy Congregation of the Consistory, on the 9th day of April, 1917.

† C. CARD. DE LAI, Bishop of Sabina, Secretary.

L. % S. f V. Sardi, Archbishop of Caesarea, Assessor.

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis - Official Commentary II

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PROVISIONS FOR CHURCHES.

By the decrees of the Sacred Congregation Consistorial, His Holiness, Pope Benedict XV, has provided for the following churches, namely:

June 28, 1917. — He appointed the Reverend Hyacinth Chassagnon, Apostolic Protonotary, as titular bishop of Modrensis, to serve as vicargeneral in the archdiocese of Saint Stephen in Lyons.

June 30. — He appointed the Reverend Joseph Bertazzoni, rector of the Seminary of Guastalla, as titular bishop of Massensis.

July 7. — He appointed the Reverend George Glosauer, canon of the metropolitan church of Prague, as titular bishop of Hermopolitanus, or Hermopolis Major, to serve as Auxiliary to the Reverend Father Paul de Huyn, Archbishop of Prague.

July 7. — He appointed the Reverend John Sedlák, Apostolic Protonotary, and archidiaconal canon of the metropolitan church of Prague, as titular bishop of Tacapitana, to serve as Auxiliary to the Reverend Father Paul de Huyn, Archbishop of Prague.

July 9. — He appointed the Reverend Paul Iacuzio, formerly bishop of Caputaquensem and Vallensis, as pastor of the metropolitan church of Surrentinae.

July 12. — He appointed the Reverend Ferdinand Rott, Doctor of Philosophy and Theology, canon of the metropolitan church of Strigoniensis, and rector of the General Seminary of Budapest, as pastor of the cathedral church of Veszprimiensi.

SACRED CONGREGATION OF THE COUNCIL OF TURRITAN.

CARE OF SOULS.

March 17, 1917.

FACT. — Because of the destruction of the ancient city of Torres, Pope Eugene IV, in the year 1441, by Apostolic Letters, transferred its archiepiscopal see and its Chapter and canons permanently to the town commonly called Sassari, and in that same town, then erected as a city, established a metro-

[*Latin ed. p. 385*]

The Holy Congregation of the Council, in the year 385, established the church of Turritanam with apostolic authority, and likewise instituted it perpetually. By the same act, the parochial revenues of the church of St. Nicholas, located in the aforementioned town of Sassari, which consisted largely of tithes, were permanently allocated: one-third to the table of the Archbishop of Turritanam, and the remaining two-thirds to the table of

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the chapter of that metropolitan church, with the express obligation to provide sufficient and suitable priests for the necessary exercise of the care of souls, to be appointed by the Archbishop and the Chapter and canons of Turritanam, respectively, as the circumstances required. The Chapter fulfilled this obligation by assigning a certain annual stipend of twenty-two *scuta*, the currency of the Kingdom, to each of the three priests assigned to this duty, and furthermore, an additional sum of approximately twenty *scuta* to each, derived from uncertain revenues. However, as the needs of the care of souls continued to increase, it proved impossible for the Archbishop and Chapter and canons, even with the tithes, to provide the necessary increase in the aforementioned allowance to these priests, in accordance with the law and according to the prescription of the Bull. Therefore, Pope Pius VI, through Apostolic Letters entitled *Ex pastoralis officii*, dated May 4, 1781, in order to address the aforementioned situation without prejudice to the canons and the Archbishop, and at the same time, to ensure that the aforementioned parochial church of St. Nicholas was no longer administered by mercenary ministers, "but by only one pastor," and that "persons of greater merit should be invited to undertake this pastoral office," established and decreed the following: The burden of the care of souls in this matter, pertaining to the canonry and the provision for the aforementioned metropolitan church, which became vacant upon the death of Canon Andrea Sotgia in the year 1777, was, "entirely and principally," by apostolic authority, "permanently transferred, enjoined, and imposed." However, it was added, "that the canonry and the provision for the aforementioned [church] should, in the future, for the time being, be combined with the chapter functions of the aforementioned metropolitan church (unless, of course, the person holding it is occupied in the exercise of the aforementioned care of souls), and that the exercise of this care of souls should pertain privately to the aforementioned [person] with regard to parochial and quasi-parochial ministrations, except for those matters which, by law and in virtue of the dispositions of the Roman Curia, are reserved to the Chapter and canons of the aforementioned metropolitan church, and specifically the blessing of the font, the ashes, the palms, and the candles in the absence of the Archbishop of Turritanam; nor also the administration of the Holy Viaticum to the aforementioned Archbishop of Turritanam, and his funeral; and the removal of the body in any other funerals."

[*Latin ed. p. 386*]

386 From the Apostolic See - Official Commentary: "regarding those by whom the Chapter and canons of said metropolitan church are usually assisted; and that parochial functions must be performed in such a manner and at such times as not to disturb the functions of the aforementioned metropolitan church; and for this reason, under the direction of

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the Archbishop of Turin, one chapel of said metropolitan church must be specially assigned for this purpose. Furthermore, provisions regarding the canonry and the benefice granted to those mentioned, must be made in accordance with the form of the Council of Trent and the aforementioned Apostolic Constitutions; except only for the present vacation, etc. And furthermore, that two of the perpetual simple ecclesiastical benefices located in said metropolitan church, which exist as benefices of free collation, and those currently held provisionally, shall enjoy only daily distributions, and that the first of these, upon becoming vacant, shall be conferred upon two suitable priests, previously approved by the Ordinary of the place for the exercise of the care of souls, respectively as coadjutors or vicars, according to the following stipulations: "that each of these two coadjutors or vicars shall, by customary assignment, enjoy twenty-two scudi of said money and one-third of said eventual emoluments; the remaining one-third of said emoluments shall be given to the aforementioned canonical curate along with the other twenty-two scudi, which are customarily given to the third vicar, all else remaining as it was; and that the aforementioned forty-four scudi of said money shall be immediately transferred to the canonical curate, in his place and time; and that these two coadjutors or vicars, having been provisionally provided for in the aforementioned two benefices as stated above, shall nevertheless continue to enjoy the aforementioned one-third of such eventual emoluments, each of them."

With the passage of time, difficulties arose, not without significance, between the canonical curate and the Chapter, especially regarding the obligation of celebrating Mass for the people, regarding exemption from assessments, regarding the double distribution in choral and parochial functions in which the curates participate, regarding the right to inter the bodies, as well as the right to the stole and vestments at funerals, regarding the burden for the provision of furnishings for the care of souls, etc.; on all of these matters, the Archbishop Hyacinthus Della Torre, to whose judgment the canonical curate and the Chapter had referred, issued an authoritative decision on August 2, 1794. In this decision, after a brief review of what had transpired thus far, ...

[*Latin ed. p. 387*]

The Sacred Congregation of the Council, in its decree 387, which we have cited, interprets and explains the meaning and intent of the Apostolic Letters, so that from them a norm and principle may be derived for resolving the controversies proposed, as follows: "Given these preliminary facts, it must be inferred that the care of souls of the metropolitan parish church was entrusted by Eugene IV to the Archbishop and to the Chapter, to be exercised by mercenary ministers who are subject to their command; therefore, it was possible for the Archbishop and Chapter, who appointed them, to impose a greater or lesser obligation upon them, and to estab-

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lish certain limits, even concerning the manner in which this care was to be administered. Therefore, it must not be assumed that, throughout the entire time that these vicars served in this manner, they were dispensed from, or, to speak more truthfully, were not obligated to the celebration and application of the Mass *pro populo*, since the aforementioned Chapter could have assumed this obligation upon itself, celebrating it in turn, or having it celebrated by another priest, through the usual alms, etc. It must also be inferred that with the erection of the parochial canonry and the installation of the Canon, to whom the care of souls was exclusively entrusted, because he was deemed to possess sufficient suitability, far from burdening the Chapter, the Supreme Pastor of Holy Church intended to lighten it in part, by assigning to him the parochial burden, and consequently the celebration and application of the Mass *pro populo*, to which, moreover, he is known to be obligated." Supported by these documents, the following custom attributed to the canons certain things which are commonly assigned to parish priests, and which are more closely related to the care of souls, namely: the right to baptize (with the sole obligation of notifying the baptism to the parish priest); the removal of corpses, even when a canon is present, which would otherwise be the duty of the parish priest to perform and administer; and I would even say the right to preach, to hear confessions, to administer Holy Communion, to celebrate solemn Masses, even for the dead, to expose sacred relics, to bless the people, to celebrate triduums and novenas, all of which, without any defense from the parish priest, were and are performed by the Chapter, either by itself, or by parochial assistants as if delegated by it. The present parochial canon, considering the exercise of the care of souls to be excessively burdensome, sought to remedy this situation; all the more so because, after examining the documents presented to him, especially the Bull of Pius and the decision of the Archbishop Della Torre, he did not find anything in them that demonstrated that the Chapter habitually possessed the care of souls, but rather he found several arguments in those same documents that seemed to indicate that both cares, whether actual or habitual, belonged to him.

[*Latin ed. p. 388*]

Acta Apostolicae Sedis - Official Commentary 388, demonstrate that the authority belongs solely to themselves. Therefore, having found an opportunity to draft new canonical statutes, he proposed the following articles to be included: "1. The canon and parish priest, in the exercise of his pastoral care and parochial functions, is exempt from the authority of the Chapter, having been granted by the Bull [Bullae] the exclusive right to the care, both habitual and actual. 2. The canon and parish priest, independently of the Chapter, may perform all parochial functions not reserved to the Chapter by the Bull of erection, that is, the administration of the Sacraments, funeral Masses, votive Masses, Masses with exposition, tridua, novenas,

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etc., with or without the presence of the Most Holy. 3. The canon and parish priest may perform these same functions, with his assistant priests, in the dependent churches of the parish of San Niccolò, both for the greater devotion and for the greater convenience of the faithful. 4. The canon and parish priest participates in the parochial revenues in the proportion established by the diocesan table. 5. Even in the processions of the Chapter, the canon and parish priest has the right to wear the stole and to absolve the bodies of his parishioners. 6. The canon and parish priest has the right, as do all other parish priests, to associate, either alone or with assistant priests, the bodies of his parishioners. 7. The canon and parish priest has the right to present his assistant priests. The Chapter votes on the acceptance, and subsequently makes the presentation to the Ordinary, with whom it will deal in the case of removal."

When the Chapter unanimously rejected all of these proposals or requests, the Ordinary, on the contrary, seemed to favor the parochial side to a greater or lesser extent, and the matter was brought before this Holy Congregation. However, it was immediately discovered that the last four articles were explicitly contradicted by the aforementioned Bull of Pius [Bullae Pianae], namely: that only "one-third of the revenues" are granted to the canon and parish priest; that the parish priest is excluded from the rights "of removing bodies in funerals in which the Chapter is accustomed to intervene"; and that assistant priests must be appointed "for the nomination or presentation of the Chapter." Therefore, these articles were not admitted for discussion.

As for the three preceding articles, since the third depends on the second, and the second on the first, it was decided to propose them under a single formula for consideration, namely: "Whether and how the habitual and actual care of souls pertains to the Chapter and to the canon and parish priest of the metropolitan church of Turrita, in this case."

[*Latin ed. p. 389*]

The Most Holy Congregation of the Council presents 389 arguments in favor of the canonical-parochial position. To demonstrate that, in this case, the habitual care of souls does not, in fact, belong to the Chapter of Turritana (since it has been shown that, in the case of cathedrals, due to their different origin and nature, neither party has any presumption of favoring the other in this regard), the canonical parochian presents the following principal points, which we summarize: First, he asserts that the moral body, namely the Chapter, which has habitual care of souls, exercises actual care through one or more vicars freely appointed by it; therefore, in this case, there is no collation from the Ordinary, but rather a designation; and the vicar designated for actual care does not receive a praebenda, but only a salary from the moral body that has habitual care. To provide sufficient evidence for these assertions from the many authorities cited by

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him, it is enough to mention Barbosa, who writes (Chapter V, Book 9 of Ecclesiastical Law, paragraph 95, page 51): "Perpetual vicars in parochial churches, united to a chapter, college, or monastery, are not instituted by concurrence, but are appointed or instituted upon the nomination or presentation of those to whose benefit or to the church, etc., the parochial church is united." He also cites the Sacred Roman Rotunda (Decree 159, year 1605): "When a parochial church is subject to a monastery or subject to its table, then the decree of the Council of Trent does not apply, but the monastery nominates, and the Bishop approves without concurrence." He also cites Lucius Ferraris, who explains: "A perpetual vicar should be assigned a proper portion of the revenues, fruits, and emoluments derived from the incorporated church of the Monastery, Chapter, etc." He also cites the Most Holy Congregation of the Council, which in a certain Vicentina in the year 1760 resolved: "If a parish, although united to a Chapter... has customarily been freely provided for, either by concurrence or by Dataria, in this case, without any doubt, it must be concluded that both cares remain with the parochian." And again, the Rotunda (Decree 400, paragraph 7): "A vicar is said to have only actual care if he is nominated by the Chapter... otherwise, he is said to be the true parochian," and (Decision 2, Decree 1605): "Total care is said to be with the vicar when he receives all the fruits of the benefice."

SYNOPTIC SUMMARY OF THE DISPUTE. But, the canonical parochian adds, in the cathedral of Turritana, a canonical parochian must be chosen, according to the Bull of Pius VI, and in fact is freely chosen by the Ordinary through concurrence, and to him is not given a portion of the fruits, but a praebenda designated in the aforementioned Bull of Pius VI, with the faculty of receiving annual fruits. Therefore, it is clear that the canonical parochian is not a vicar of the Chapter, and that the Chapter does not have habitual care. It does not obstruct this, that in the cathedral of Turritana, there are no distinct...

[*Latin ed. p. 390*]

390 Acta Apostolicae Sedis - The official commentary states that the granting of a benefice and the celebration of Mass are related, and that the granting of a benefice is actually mentioned in the Bull of Pope Pius VI. The fact that the Chapter does not have habitual care is also shown, says the pastor, by the words of the Bull of Pope Pius VI: "And to you [the parish priest] the exercise of the care of souls, in so far as it pertains to parochial and quasi-parochial ministries, must belong." These words are repeated in the decision of Archbishop Della Torre: "To the parish priest was entrusted, without reservation, the care of souls." If the canon of the parish is to exercise all parochial and quasi-parochial ministries without reservation, the pastor argues, then the Chapter cannot interfere with the care of souls, and therefore does not have habitual care. Furthermore, the

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pastor continues, the canon of the parish is deprived, both actually and habitually, of the care of souls, 1st, by the fact that the Bull of Pope Pius VI does not grant any portion of the eventual revenues to the Chapter, but assigns two parts to two coadjutors, and one-third to the canon of the parish; 2nd, by the fact that in the same Bull, certain privileges are reserved to the Chapter, namely, the blessing of the font, of the ashes, of the palms, and of the candles, in the absence of the Archbishop, the administration of the Holy Viaticum to the Archbishop of Turin, and the funeral rites, the removal of the body in all other funerals in which the Chapter and the canons of the metropolitan church are accustomed to intervene. Since the Bull reserves only these privileges to the Chapter, and that perhaps in sign of precedence and in memory of the jurisdiction which the Chapter itself enjoyed before the Bull, it must be said that, in all other respects, the parochial care fully belongs to the parish canon. However, the custom of administering the sacraments, of exercising acts of jurisdiction, and generally of having the canon of the parish as a vicar, is a custom that is sought to be abolished; and this manifestly by law, since it has not produced nor can produce a prescription in this case, because, of the four conditions necessary for prescription, only the condition of time is present. The very thing that is sought to be prescribed is not probable, because, according to many doctors, it cannot be prescribed against the freedom of the parish priest and the parochial rights: there is no title, indeed there is a contrary title, namely, the Bull of Pope Pius VI, which fully entrusts the care of souls, without reservation, to the parish priest. As for good faith, it is shown to be absent, because from the beginning the pastor opposed the custom, of which there is full documentation in the controversy that led to the decision of Archbishop Della Torre in the year 1794. However, this decision adds nothing to what is stated in the Bull, in the matter that concerns us; and indeed, it cannot be the basis for demonstrating habitual care in favor of the Chapter, nor can it be based on the words of the diocesan synod of Archbishop Marongiu (Title 26, Paragraph 175), which reads:

[*Latin ed. p. 391*]

The Holy Congregation of the Council, in 391, states: "Canonical pastors, both those who reside in this primatial church, and those who are required to reside in the basilica of Turritana, are strictly bound to diligently perform all and each parochial duties which pertain to the actual care of souls, in accordance with the established regulations and the prevailing custom." For the inclusion of one does not exclude the other.

II. Arguments presented against. - The following arguments are primarily presented to reject the petitions of canonical pastors. Generally, it is preferable to distinguish between habitual and actual care of souls, although, without a doubt, before the time of the Council of Trent, this

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distinction was in force (cf. S. R. Roía in Salutiarum, Iurium, July 1, 1913, and Fesulan, Iurium, July 9, 1915). However, by virtue of the most important prescription of the Sacred Synods, Session VII, chapter 7, concerning reforms, this distinction has gained determination and power. The meaning and purpose of this prescription is to provide bishops with the authority to entrust the administration of souls, in order to prevent the evils that were deplored due to the moral person's handling of souls, to physical persons, and preferably to one person. This goal or objective could have been achieved in a completely different way: the reason that prevailed more widely was that the exercise of care should be granted to a certain vicar, even perpetually, by a moral person, whether it be a college, or a chapter, or a monastery, simply by appointing him, reserving to the bishop the judgment regarding suitability and the subsequent approval, without any concurrence. Otherwise, especially in Italy, a more suitable and advantageous way and reason presented itself, namely, that the care of souls should be granted with prior concurrence, as in other parochial matters, and in such a way that the elected person would be incorporated into the aforementioned college or chapter; elsewhere, it was deemed appropriate to entrust this kind of care, either entirely, to two or even more members of the chapter, or at least partially, reserving certain matters to the entire chapter. In this variety of reasons, it is not easy to determine in each case whether and to what extent there is a division or separation between habitual and actual care; regarding which, the most recent jurisprudence has worked diligently and with considerable benefit: cf. S. R. Rota in Salutiarum, Iurium, September 2, 1911; July 1, 1913; July 15, 1915, and on the same matter, the decision of the Supreme Tribunal of the Signature, May 13 - June 28, 1916; also, S. R. Rota in Fesulan, Iurium, February 16, 1911, March 17, 1914, July 9, 1915. From these decisions and pronouncements, with regard to our matter, it appears to be definitively established that "when the care is administered by a vicar, it must be concluded with absolute certainty that the vicar does not possess anything more than actual care, while the habitual care remains with the college; if, however, it is one of those who hold a position of dignity who provides the care, then, although it cannot be concluded with absolute certainty and in all cases, that the habitual care is with the chapter, nevertheless, it still holds."

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis - Official Commentary « by virtue of the chapter's presumption regarding habitual care » (Rota, cited in Fesulan., July 9, 1915); this presumption, however, according to the pronouncement of the Signature, in the cited case of Saluzzo, I, « cannot be asserted regarding cathedral churches - given the particular origin and constitution of these churches - but it does not entirely cease « in general, as in col-

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legiate churches », since, as the same pronouncement states, « most often, in these same cathedrals, habitual care resides in the Chapter » and the presumption is certainly derived from what « most often » happens, rejecting the burden of proof on the one who claims the contrary, and therefore, a rarely occurring case! Furthermore, in addition to this general presumption, there is a special circumstance in this case: from the year 1441 to the year 1781, the Chapter held both habitual and actual care, and only delegated the exercise of actual care, within limits defined by itself, to mercenary priests who were hired. Therefore, when in the year 1781 a parish canonry was established, it is to be presumed, unless the contrary is proven, that the Chapter continued to possess habitual care, and that it did not relinquish anything to the new parish priest except for actual care, with certain exceptions. And this is the case: for the Bull of the establishment of the same canonry explicitly limits its intent: « so that the aforementioned parish church is no longer governed » by mercenary ministers, « but by one pastor alone »; therefore, only to this one new pastor is attributed, more or less, what was previously carried out by the ministers, namely the exercise of care; for this purpose, it was not necessary for the Chapter to be deprived of habitual care. Not a single word is mentioned in the Bull regarding this deprivation of habitual care, which, on the contrary, whenever it refers to the care of souls attributed to the parish priest, never uses the word "care" simply, but always limits it, e.g., « the exercise of care », « the burden of care », words that certainly refer only to actual care. It is more serious that, as the parish priest admits, certain things are reserved to the Chapter, by virtue of the foundation bull, which relate to actual care, e.g., the appointment or selection of vicars, the right to collect tithes, certain functions, especially at funerals; and even more was granted to the Chapter by custom, and by the interpretation given by the Ordinaries, as evidenced by the decision of Archbishop Della Torre. Furthermore, if the Chapter has some part in the actual care, and that by virtue of the foundation bull, it is reasonable, and indeed a fortiori, to infer that the entire habitual care remains with the same Chapter. - With this argument, everything that the parish canon attempts to deduce from other passages in the Bull is completely undermined, where it is said that « the burden of care of souls of this kind is transferred entirely and principally » to the canonry; « and the exercise of care of souls is deprived of ministers ».

[*Latin ed. p. 393*]

The Holy Congregation of Councils in 393 decreed that "parochial and quasi-parochial rights should pertain" to the canon; this is reflected in the words of Archbishop Della Torre, who stated that "the parochial canon was privately entrusted with 'the care of souls, because he was provided with a sufficient and appropriate provision.'" Note first the adverb "onus" (burden), "exercitium" (exercise); note second that the adverb "principaliter"

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(primarily) must be fully integrated. But, even if these adverbs are omitted, if these adverbs do not prevent, simultaneously and in the same context, both the Bull and the decision from granting more to the Chapter regarding this actual care, how can they prevent it from being said that the habitual care remains with the Chapter? Furthermore, these adverbs are most conveniently explained by opposition to the preceding state of affairs, when the exercise of the care was carried out by three ministers, in a precarious manner, with limitations at the discretion of the Chapter, while now it is carried out by one person, with a stable title, and morally completely. Having considered these matters carefully, a considerable force is demonstrated in the subsequent interpretation given by Archbishop Della Torre in 1794, and in the diocesan synod under Archbishop Marongiu in 1894, which considers only the actual care of the parish priest, and grants more concerning only that. Furthermore, the subsequent custom, as admitted by the party from Aversa, which held that the canonical parish priest was considered a vicar in the exercise of the care. This custom is not only the best interpretation of the law in this case, but also creates a new right through prescription in favor of the Chapter. From the praised decision of the Signature in Saluzzo, we clearly have as an undeniable principle that parochial rights can be acquired by prescription; therefore, nothing was reprehended in the Rotale in which, in a case not dissimilar to our own, it was concluded that "the canonical-parish priest (or archpriest) has the entire actual care, saving the rights and duties 'prescribed by the Chapter through an unforgettable custom.'" Especially considering that, even in our case, the question is not about "the exercise of actual care in such a way that it would frustrate the intention of the Council of Trent, Session VII, chapter 7, on reform"; "but about a care that, through appropriate means, offers assistance for the good of souls" (cf. A. A. S., VIII, 296). The arguments presented by the canonical-parish priest, based on the concurrence under which the parish is conferred, according to the law of its erection, and on the specific provision assigned to the parish priest, appear to be of little value. Indeed, when other proofs are lacking, the granting by concurrence is an argument that a certain parish is not united to a college or monastery; but when, as in this case, this union is certainly established, and only the question remains as to whether and how the division or separation of the actual care from the habitual care has been made, the argument proves nothing: for the sole care...

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis - The official commentary, as I noted at the beginning, can apply not only to the vicar, but also to a member of the Chapter, provided that he habitually resides with the College; whether or not a member of the Chapter is appointed by agreement is irrelevant. - Finally, concerning what is to be provided, it is certain, and it is found in the

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Bull itself, that in this case it consists only of daily distributions: therefore, it is clear that the term "provision" is used improperly; moreover, since in the Chapter of Turrita there is only one Mass, or common offering, the parish priest's "provision" which is said to be, is not free and independent, but is under the administration of the Chapter, which indeed requires parish revenues, and the canon and parish priest also receives alms for the Mass for the people, as he supports many other parish expenses, and represents and protects the rights and interests of the parish. Therefore, the argument derived from the fact that the canon and parish priest receives not a salary or a portion of the fruits, but a free "provision," lacks a factual basis; but even if it were fully proven, it would not be relevant: for the fact that the care is administered not by an external vicar, but by a canon, by a member of the Chapter, does not prevent, but rather helps to reiterate, that the habitual care belongs and remains with the Chapter. RESOLUTION. - Furthermore, the Sacred Congregation of the Council, in plenary assemblies of the Fathers of Emmerich and Rome, held in the Apostolic Palace of the Vatican, on March 17, 1917, after carefully considering everything mentioned above, responded to the aforementioned doubt: "The habitual care pertains to the Chapter, the actual care belongs to the canon and parish priest, with all the stipulations of the Apostolic Letters of Pius [XI], the decision of Archbishop Della Torre, and the custom." This resolution was approved by the Most Holy Lord Pope Benedict, in the following audience granted to the undersigned Secretary on the aforementioned Sunday. 1. MORI, Secretary.

[*Latin ed. p. 395*]

To the Most Reverend Michael, Cardinal Logue, Archbishop of Armagh, concerning the founding of a new college in Ireland for foreign missions.

With pleasure, and with the support of Your Eminence and the other Bishops of Ireland, I have received the proposal, initiated by several ecclesiastical men, to establish a new college in Ireland for foreign missions. In this college, young men, called by the Lord, will receive the proper training to fulfill the apostolic mission of serving among the infidels.

Furthermore, it is always desirable that the Church be provided with a sufficient number of ministers to fulfill the divine mandate of teaching all nations. Especially in these times, when so many and such great harms have befallen the sacred missions, we must strive to seek new support for this most holy work.

When I informed the Supreme Pontiff of this proposal, His Holiness ordered that I communicate to you His most favorable intentions regarding it, and that I add, in His name, encouragement to the eager undertaking of this new work.

In order that the hoped-for fruits may be obtained from it in due time, it must be diligently ensured that the utmost care be taken both in the selection of students and in their preparation for this important task.

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Since this Sacred Congregation has been entrusted with the task of promoting the Christian Name and providing for what is good and proper for the missions, I shall be pleased to be informed of the beginnings and progress of the new college, and to learn of the rules of discipline that seem best suited to instill an apostolic spirit in the young men.

I hope that many benefits for the sacred missions will result from this new institution. In this matter, may you have the apostolic blessing, which the Supreme Pontiff heartily grants to the promoters and benefactors of this work.

In the meantime, I humbly kiss the hand of Your Eminence.

Rome, from the offices of the Sacred Congregation for Propaganda Fide, on the 13th of June, 1917.

Your Eminence's most humble servant,

D. CARD. SERAFINI, Prefect.

L. %

S. C. Laurenti, Secretary.

[*Latin ed. p. 396*]

396 Acts of the Apostolic See, Official Commentary II. APPOINTMENTS. By brief Apostolic letters, the following were appointed: June 12, 1917. — Coadjutor with the right of succession to the Apostolic Vicar of Maritime Tonkin, Reverend Aloysius Christian Mary de Cooman, of the Society of Paris for Foreign Missions. June 13. — Apostolic Vicar of Bahr-ei-Gazai, Reverend Anthony Stoppani, of the Congregation of the Sons of the Sacred Heart. — Apostolic Vicar of Yukon and Prince Rupert, Reverend Aemilius Bunoz, of the Congregation of the Oblates of the Immaculate Mary. June 14. — Apostolic Vicar of Southern Honan, Reverend Flaminius Belotti, of the Milan Seminary for Foreign Missions. June 19. — Coadjutor with the right of succession to the Apostolic Vicar of Eastern Tonkin, Reverend Francis Ruiz de Azua, of the Order of Preachers.

SACRED CONGREGATION FOR RITES. DOUBTS CONCERNING GREGORIAN LITURGICAL CHANT. The Sacred Congregation for Rites has requested a solution to the following doubts: I. Is it permissible, for the convenience of the singers, especially in rural churches, to use Gregorian chant described with modern musical notation? II. Does the decree concerning the Vatican edition and its reproduction, regarding Gregorian liturgical books with so-called rhythmic signs, which was printed under number 4263 and on April 11, 1911, and which, although printed among the authentic decrees of the Sacred Congregation for Rites, is not included in the Acts of the Apostolic See, remain in force?

[*Latin ed. p. 397*]

The Holy Congregation of Rites, number 397, and the aforementioned

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Holy Congregation, having heard the vote of the special commission, judged that the following should be the response to the proposed doubts: Regarding 1. Affirmative, according to the decree number 4166 concerning the liturgical books of Gregorian chant, of August 11, 1905, for the seventh year; as reported among the authentic decrees of the Holy Roman Church and the Acts of the Apostolic See. Regarding 2. Affirmative, for the support of schools of singing, according to the tenor of the same decree number 4263. And thus it was written and declared on June 23, 1917. [Signed] A. CARD. VICO, Bishop of Portuense and Santa Rufina, Holy Roman Church, Pro-Prefect. L. S. Alexander Verde, Secretary.

CONCERNING THE ORDER OF SAINT BENEDICT:

The Reverend Father, Dom Fidelis de Stotzingen, Abbot Primate of the Order of Saint Benedict, humbly presented certain doubts to the Congregation of Sacred Rites, which were proposed by various congregations of the same Order, concerning:

1. DECREE OR DECLARATION CONCERNING THE VATICAN EDITION AND ITS REPRODUCTIONS REGARDING GREGORIAN LITURGICAL BOOKS.

N. 4263.

Since it has been proposed whether Bishops can grant their own approval to books of Gregorian chant, containing a faithful reproduction of the melodies of the Vatican edition, but with the addition of rhythmic signs, by private authority, the Holy Congregation of Rites judged that, for a more complete declaration of Decree number 4259, of January 25 of the current year, the following should be the response: Ordinaries, in their respective dioceses, will be able to grant the *imprimatur* to editions intended for the support of schools of singing, adorned with what are called rhythmic signs, by private authority, provided that it is established that all other things prescribed by the decrees of the Holy Congregation of Rites regarding the restoration of Gregorian chant have been observed. This resolution, having been reported to the Most Holy Pope Pius X through the Secretary of the Holy Congregation of Rites, His Holiness ratified and approved it. April 11, 1911.

[*Latin ed. p. 398*]

398 Acta Apostolicae Sedis - The Official Commentary pertains to the new rubrics of the Lectionary for those living under the rule of Saint Benedict; namely: I. Does the Feast of Saint Benedict truly and properly hold precedence in the First Vespers, so that it should have priority over other feasts? II. If, during the time of Advent or Septuagesima, which are privileged feasts of the Third Order, a feast should occur on the same day as a feria [weekday], which Mass should be said? III. If, on the first free day of

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any week during Lent, a double feast, albeit simplified, should occur, is it permissible to celebrate the Mass of Requiem? IV. If, on a weekday of Lent, a double feast, albeit simplified, should occur, is it permissible to celebrate the Mass of the Saint? And the Sacred Congregation, after hearing the opinion of a special Commission, and after careful consideration, judged that the following should be answered: To I. Negatively, according to the norms and rubrics approved for the Benedictine Confederation on June 9, 1915, title VII, Concerning Feasts, paragraph 4. To II. Private Masses may be said of a saint or of the feria; however, the Conventual Mass should be said of the feria. To III. Affirmatively. To IV. Negatively. And thus it was written and declared on June 23, 1917. [Signed] A. CARD. VICO, Bishop of Portuen and Saint Rufina, Sacred Roman College, Pro-Prefect. L. S. Alexander Verde, Secretary.

[*Latin ed. p. 399*]

From the Acts of the Apostolic Penitentiary, No. 399, of the Sacred Penitentiary Tribunals, Apostolic Penitentiary, Section on Indulgences: Concerning Indulgences for the Faithful of the Oriental Rites.

When a certain Bishop of the Oriental Rite had proposed a doubt as to whether the faithful of the Oriental Rites could avail themselves of all the Indulgences universally granted by the Supreme Pontiff, the Apostolic Penitentiary deemed it necessary to respond: Affirmative. This response, reported in audience on the 6th day of the month of July by the undersigned Cardinal Penitentiary Major, was deigned to be approved and ratified by the Most Holy Lord Pope Benedict, and it was commanded to be made public. Given in Rome, in the Apostolic Penitentiary, on the 7th of July, 1917.

WILLIAM CARDINAL VAN ROSSUM, Major Penitentiary.

L. © S. F. Borgongini Duca, Secretary of the Penitentiary.

[*Latin ed. p. 400*]

400 Acta Apostolicae Sedis - Official Commentary

SACRED ROMAN ROTA OF NOVARA.

RESTITUTION.

Under the blessed reign of Pope Benedict XV, in the second year of his pontificate, on the 4th of August, 1916, the Most Reverend Fathers, Doctors Aloisius Sincero, presiding, Joseph Mori, and Frederick Cattani, Auditors, in the case of Novara – Restitution, between the Reverend Vincent Bairate, Parish Priest of Saint Agabius in the Diocese of Novara, or the Congregation of Parishes of Novara, the plaintiff, represented by the lawful procurator Vincent Sacconi, advocate, and the Reverend John Pellagatta, Parish Priest of Saint Michael in the Diocese of Novara, the defendant, represented by

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the lawful procurator Angel D'Alessandri, advocate, with the intervention and dissent of the Promoter of Justice, the Reverend Father Robert Vicentini, pronounced this final judgment.

It is known in Novara that, since the eleventh century, there has existed a certain college called the "Congregation of the Parishes of the city and its suburbs of Novara." The members of this Congregation are divided into two classes, namely those who have the right to be admitted to the college, and those who are received only by grace, freely and without prejudice to the college.

In the year 1913, the Reverend John Pellagatta, Parish Priest of Saint Michael, in the city of Novara, requested to be co-opted into the college. The Congregation declared itself willing to admit him only by grace, and not by right. However, when Parish Priest Pellagatta insisted on being admitted by right, the matter was brought before the court of Novara, between Parish Priest John Pellagatta and the Congregation, lawfully represented by its president, Parish Priest Lino Cassani, and on the 5th of November, 1914, the Vicar General, John Delsignore, having duly summoned and with both parties present, pronounced a judgment, the dispositive part of which is as follows: "It belongs to the Parish Priest 'for the time being' of Saint Michael in the Maggiore Hospital of Novara, and consequently to the plaintiff, Reverend John Maria Pellagatta, the right to belong to the venerable Congregation of the Parishes of the city and its suburbs of Novara."

[*Latin ed. p. 401*]

The Roman Rota, in its judgment, stated that immediately after the sentence was pronounced, the President of the Congregation declared that he believed the Congregation of Parish Priests of the city and its suburbs would accept the sentence; however, in the event that anyone should ask, "the question of how much time is granted to appeal" would be raised. To this, the Vicar General responded that "the time to appeal is ten days, which begin to run from this moment."

On November 14th, Father Vincent Bairate, parish priest of Saint Agabius, and one of the members of the Congregation, sent a written protest to the Curia: "Considering this sentence to be burdensome to the rights of the Congregation, and therefore to his own rights and those of his successors, he hereby makes a formal act of protest, because, should the present time not be deemed appropriate to appeal, the faculty to do so later will be reserved," etc.

On the 16th of the same month, he formally appealed: "With this act, I intend formally to appeal from the judgment of the Venerable Curia of Novara to that of the Holy Roman Rota."

The Curia of Novara, in a judgment given on December 7th, 1914, rejected the appeal outright.

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Regarding the parish priest of Saint Agabius, who petitioned our Order to recognize his right to appeal, or at least to grant restitution, a case was admitted and agreed upon under these doubts:

I. Does a *res judicata* exist in this case? And, if so:

II. Is there a basis for restitution?

Regarding the first doubt, the following should be noted: In c. 65, De sentent, et re iudic, X (II, 27), it is stated: "When, after a period of ten days, a sentence passes into the authority of a *res judicata*, he who does not seek recourse to the aid of appeal within that time is denied the right to appeal, since by this it appears that he has submitted to the interpretation of the given sentence, especially when the cause is not given for appealing." Therefore, Doctors commonly define a *res judicata* as: a final sentence, from which no appeal was made within the established ten days to challenge it (Lega, De iudic; I, 696; Devoti, lib. III, tit. XIV, n. 12, etc.). And this is the proper meaning of *res judicata*; for "a sentence, after the lapse of ten days, if it has not been appealed, is called a *res judicata* properly and irrevocably, and thus it is said that the sentence passes into the authority of a *res judicata*, according to the text Quod ad consultationem" (15, h. t., Reiff., II, 27-5).

[*Latin ed. p. 402*]

402 Acta Apostolicae Sedis - Official Commentary. Therefore, the period for filing a judicial appeal is ten days, or a decennial period, calculated from the day the judgment is recited and published, provided that the parties are present at the reading of the judgment, either in person or through their representatives. Otherwise, the decennial period is calculated from the day the judgment is notified, or legally communicated (Instruction of the Sacred Congregation of the Holy Office and Religious, June 11, 1880, article 38). The days are counted civilly, not naturally; and the day from which the count begins is included in the term. Therefore, regarding the beginning, it is a useful time, which does not pass for the ignorant; but in its course, it is continuous and peremptory, including even holidays, which the judge cannot suspend or extend (c. 15, De sent. et re iudic., X, II, 27, 8, h. t. in 6°, and Glem. 3, h. t.). Thus, Emus Lega, cited, n. 673. Indeed, if the parties, duly summoned, are present at the reading of the judgment, as is evident from the report, commonly called the "verbal" of the judgment's publication, and the judgment is published on November 5th, and the appeal is not filed until the 16th of the same month, the appeal has lapsed due to the expiration of the term. The question of whether November 15th, a holiday, should be considered as the last day for filing the appeal cannot be raised; for 1) the time for filing an appeal is continuous, including even holidays; 2) granted, even if it were the case, that in our forum there is a rule according to which if the last day is a holiday, the terms are extended to the following day, the last day for filing the appeal was the 14th, which was not

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a holiday. It is also irrelevant that the lawyer for the plaintiff argues that the day from which the term begins should not be counted; for Rule 236 expressly states: "The appeal must be filed within ten days, which 'elapse from the notification of the judgment or decree'." Furthermore, in appeals from the judgments of lower courts to the Sacred Roman Rota, common law is considered, not the custom that is claimed to have prevailed in our Tribunal. It cannot be said that with the same lawyer, in the first part of the document, the parish priest of Saint Agabius sent to the Curia on November 14th, stating that the appeal was included, and in the second part, he intended to pursue the intention of filing the appeal at the time that it seemed opportune or useful to him. For in the cited document, the parish priest of Saint Agabius expressly states: "I complete 'this formal act of protest, because if it is not deemed 'opportune at this time to file an appeal, the 'faculty to do so later is reserved." Therefore, on November 14th, he did not file an appeal, but only issued a protest, requesting that the faculty to appeal later be reserved to him. But the protest is in no way equivalent to an appeal, which is a challenge to a higher court (Voet Comm.).

[*Latin ed. p. 403*]

S. Romana Rota 403, in the collection *Pandectae*, Book XLIX, Title IV, section ii, paragraph 2, etc.); and these fatal terms cannot be extended. Furthermore, if the parish priest of S. Agabii had truly interposed an appeal on the 14th, it would no longer be necessary for him to formally appeal on the 16th. "At present," he stated, "I intend formally to appeal from the judgment of the Venerable Curia of Novara to that of the Holy Roman Rota." Therefore, the very parish priest of S. Agabii, in his document of November 16th, affirmed that the appeal properly so called was not contained in the document of the 14th. Consequently, since the appeal was not interposed within the prescribed period, the judgment of the Curia of Novara of November 5th, 1914, became final. And therefore, it is superfluous to inquire whether the parish priest of S. Agabii, as an individual, was able to appeal. With regard to the restoration *in integrum*, since the Congregation of Parish Priests adhered to the parish priest of S. Agabii, indeed, the parish priest of S. Agabii, through the deliberation of the Congregation of December 4th, 1915, represents the Congregation itself; it is now superfluous to inquire whether the parish priest of S. Agabii, even if the Congregation were silent or even opposed, had the right to request a restoration *in integrum*. The restoration *in integrum* is defined by Paul IV as an action to reinstate a matter or cause (Devoti, *Institutiones Canonicae*, Book III, Title XVI, paragraph 1). In our case, it is properly an action to reinstate the cause against the lapse of the fatal term. Indeed, as the same Devoti teaches (loc. cit., paragraph 2), the restoration *in integrum* is not granted lightly and without consideration, but only for just causes. Therefore, let us briefly recall the general principles of law by which the

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restoration *in integrum* is governed: 1) The causes for which a restoration *in integrum* is granted are reduced to invalidity or to injustice of the judgment. Injustice is the most powerful cause for a restoration; for it undoubtedly contains a lesion (Innocenzo, *in cap. Cum ex litteris: De in integr. rest.;* Oddo, *De rest. in integr.,* question 34, article 7, paragraph 37; and question 36, paragraph 10; S. Rota, *Records*, decision 672, paragraph 1, page 2; decision 786, paragraph t, page 3; decision 99, paragraph 1, page 4; *Corpus Crescentio*, decision 16, paragraph 3; decision 98, paragraph 24, volume 1; decision 232, paragraph 18, volume 2, etc.). 2) If, with regard to a restoration *in integrum* against a final judgment, many Doctors require a grave lesion, the matter is easily resolved if a distinction is made between a restoration *in integrum* against a final judgment and a restoration *in integrum* against acts or legal transactions. For if we are dealing with a final judgment, the lesion must result from the injustice of the judgment, without which no lesion is said to exist (De Luca, *De iudic.*)

[*Latin ed. p. 404*]

404 Acta Apostolicae Sedis - Commentarium Officiale, book 38, number 10), or, in other words, an unjust judgment undoubtedly contains an injury (Sacred Roman Rota, cited, Records, decision 672, number 1, page 2). 3) Furthermore, if it is asked in what order invalidity and injustice relate to the restoration to the former state, it must be said that the invalidity of a judgment is properly the cause of nullity, while its injustice is the cause of restoration to the former state. Therefore, the causes of restoration to the former state against a judgment are, as stated above, primarily reduced to the injustice of the judgment (Digest, IV, I, 3; Sacred Roman Rota, corrections, Crescentio, decision 16, number 3, volume 1, etc.). 4) Just as invalidity or injustice of a res judicata opens the way to restoration to the former state, so its validity and justice close the way to restoration to the former state (Sacred Roman Rota, Records, decision 660, number 1, page 4; decisions 329, number 1, page 2; corrections, Crescentio, decision 22, number 3; 95, number 1; 110, number 1; 124, number 1, volume 1; decision 161, number 1, volume 2, etc.). 5) However, the injustice of a judgment is not presumed, but must be proven by the one alleging it (De Luca, cited, number 10). Therefore, the one seeking restoration to the former state, being the plaintiff, is bound to prove the cause for which he is entitled to restoration. Since, therefore, the injustice must be proven, it must be certain, or, in other words, there must be proof of it (Sacred Roman Rota, Records, decision 329, number 1, page 2): "It was decided that there was no proof of the causes of restoration to the former state, because the Convent of Saint Isidore does not teach about its own right, which is the foundation of restoration to the former state. For if the right is not justified by an injury, by teaching about the injustice of a judgment rendered, there does not seem to be a place for restoration to the former state." And in decision 660, number 1, page

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4: "It was decided that there was no proof of the causes of restoration to the former state, because Ferdinand does not teach about the invalidity or injustice of a prior judgment, through which the causes of restoration to the former state are usually justified." Therefore, it must be concluded that, in order to obtain restoration to the former state, the plaintiff must prove the injustice of the judgment. 6) There has been considerable debate among the advocates of the parties and the Promoter of Justice as to whether notorious injustice is necessary, or whether simple and ordinary injustice is sufficient, and whether, according to the teaching of Cardinal De Luca (cited, number 19 and following), notorious injustice is required if restoration is sought against three concurring judgments, while simple and ordinary injustice is sufficient against a res judicata resulting from a neglected appeal. However, since we adopt the more common doctrine, according to which, in order to obtain restoration to the former state, it is required and sufficient to prove the injustice of the judgment, without making any distinction between notorious and simple injustice, and between a res judicata resulting from a neglected appeal and three concurring judgments, these questions are, in this case, already irrelevant.

[*Latin ed. p. 405*]

The Roman Rota, 405. It is not objected that restitution is more easily granted when dealing with a single judgment, as stated in the decision of the Holy Roman Rota, 169, page 9, volume 1, among the Records. For, 1) this leniency did not proceed from the law itself, but from the practice of the Court, which, as De Luca (cited, n. 12) states, is not itself commendable; "for in this way, the provision of the law remains 'empty and illusory,' that three similar cases must come to an end, whenever injustice is present to a greater degree than clarity and certainty, or nullity." 2) It is true that restitution may be more readily granted against a single judgment, or that, from a certain equity, a more lenient judgment may be rendered regarding the causes for restitution; but even in this case, the judgment must be proven to be unjust. What the advocate for the plaintiff objects to is irrelevant, namely, that it is sufficient to demonstrate a good right, even partially, or that it is sufficient to show a good cause for the action, or that it is sufficient to dispute the injustice and merits of the principal matter, summarily, according to the taste, so to speak, of justice or injustice, which is alleged. For, 1) these matters concerned the ancient practice of the Signature of Grace or Justice, with the aim of holding a hearing, and with the aim of regulating the form of the written record, as expressly stated by De Luca (cited, n. 18) and in the decisions of the Rota, 105, n. 10, page 6, line n. 5, page 6, among the Records, etc. 2) The Holy Roman Rota now does not deal with restitution solely for the purpose of holding a hearing, but for the purpose of granting or denying it, or for the purpose of granting the action so that the cause may be reinstated, or not. It is not necessary to

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prove the injustice of the judgment by disputing the merits of the cause in detail, as if the cause were new and complete; for this ancient practice of the Court was already criticized by De Luca (cited, n. 11). Therefore, however the plaintiff proves the injustice of the judgment, that will be sufficient to grant restitution, provided that the injustice of the judgment is proven. It must therefore be determined whether the Parochial Vicar of Saint Agabius and the Congregation of Parochial Vicars have proven the injustice of the judgment. And at first, they assume that the distinction between members by right and by grace should be understood in such a way that members by right are those who, having governed the parishes which the founders of the Congregation obtained, are, in a certain sense, the heirs of the founders with regard to the society; while those from the seventeenth century are members by grace, who, although they cannot claim a title of succession, are received into the association at the discretion of the members. For the Congregation has existed since the eleventh century. It originated with priests from Novara, who, with the intention of governing certain churches, united themselves into a college, according to the custom of that time.

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis - Official Commentary. After the aforementioned ecclesiastical division, parishes were established, and a body was formed called: "The Congregation of the Parish Priests of the City and Suburbs of Novara." "The Congregation of the Parish Priests," it is said, "originated and always remained a completely free, private, and independent association; and as such, it was considered and respected by ecclesiastical authorities. Given this, the current parish priest of the Maggiore Hospital, in his assumed role as successor to the ancient Parish Priests of St. Michael, cannot prove that he is a successor to one of the parishes of the founders, because the Parish Priests of St. Michael were admitted only to the congregation that was already formed." Indeed, the parish of St. Michaelis was established in the 17th century; therefore, its parish priest cannot have the right to be received into the Congregation. However, 1) Above all, it cannot be admitted that the Congregation is an independent society, if absolute independence is meant, and this is understood with respect to ecclesiastical authority. For this is absurd in law. And in fact, in the year 1618, on April 8th, the General Vicar of the Novara Curia, by his authority, granted, indeed provisionally and without prejudice to the Parish Priests, the priest Bernardino Tornotti, curate of St. Michaelis, although he did not belong to the Congregation, the faculty to process solemnly, even with a banner under the Cross of the Congregation, "until something else is declared by us regarding the aforementioned matters." And in the year 1663, on March 12th, the parish priest of St. Cross was received into the Congregation, and both he and his successors were granted the right to be admitted into the Congregation. "By Decree of the Holy Congregation and

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by Decree of the General Vicar..." 2) And even less can it be admitted that only those are members by right who govern the parishes that the founders possessed; for in the year 1663, on March 12th, the Congregation granted the parish priest of St. Cross and his successors the right to belong to the Congregation "as a successor and requested by one of the two curacies of the Church of All Saints..." And the same right was granted in the year 1732, on January 12th, to the parish priest of St. Mary of the Bicocca and his successors, namely: "it was established that the curate of the Bicocca should succeed the parish priest of St. James; whose church had been united to the College of oblates..." Therefore, a distinction must be made between the original title and the acquired or granted title, and the title to be co-opted into the Congregation can also be succession in some portion of the ancient parishes, or a decree of the General Vicar accepted by the Congregation, or a simple deliberation of the Congregation, or the parish priest who is co-opted succeeds in some portion of the ancient parishes, or for some other reason.

[*Latin ed. p. 407*]

The Roman Rota also argues that the plaintiff's claim regarding the observance, upon which the judgment of the Novara court is based, is ambiguous, firstly because the parish priest, or curate, Tornotti, whom we find first among the members of the confraternity of Saint Michael, was admitted by grace; secondly, because it is stated that several members of the confraternity of Saint Michael were admitted, but this fact proves nothing, since it is not clear whether they were admitted by right or by grace, or it can easily be interpreted in the opposite sense, since the mention of grace in the admission of the priest Tornotti is expressly stated; and finally, because the duties which the parish priests of Saint Michael performed in the confraternity prove nothing, since members admitted by grace can also hold ministerial offices, for example.

However, it cannot be denied that the records show that the parish priest Tornotti was accepted into the confraternity, and that this was by grace, and even less can it be conceded that the mention of grace in his admission was expressly stated. For, with regard to the parish priest Tornotti, only the power to participate processionaly with the confraternity members was being discussed, although the aforementioned priest was not a member of the confraternity, a power granted by the Vicar General without prejudice to the confraternity and as a provisional measure: "until we have declared something different about the aforementioned matters." As for the other parish priests of Saint Michael, not only several of them, but all of them, from John Baptist Degli Agostini to the last parish priest, Portigliotti, namely John Baptist Degli Agostini, Francis Gallo, Julius Ferrari, Dominic Delle Donne, Anthony Portigliotti, were members of the confraternity, as is evident from the records of the confraternity or from the manuscript

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of Frasconi: nowhere is there any mention of grace. But it is difficult to conceive that grace was granted to all the parish priests of Saint Michael, and even less so that it was granted because no mention is made of it, whereas, on the contrary, with regard to other parish priests, for example, Peter Besozio, parish priest of the Holy Cross in the year 1602, and Charles Luino, parish priest of Saint Mary, commonly called Della Bicocca, it was expressly stated.

Finally, the judgment of the judge should not be confused with the arguments of the parish priest Pellagatta; for the judgment of the court of Novara, as deduced from the manuscript of Frasconi, establishes the right of the parish priests of Saint Michael not because they held offices in the confraternity, but on a completely different basis, as is clear to anyone who reads it. Finally, and most importantly, the arguments put forward by the plaintiff regarding the observance are not without ambiguity. For the plaintiff leads the observance from the year 1707 to the year 1782, or rather, only to the year 1736, in which case, he concludes, the observance is not only not centenaria, but not even quadragenaria. On the other hand, the parish priest Pellagatta claims that it was granted freely from the year 1660.

[*Latin ed. p. 408*]

408 Acta Apostolicae Sedis - Official Commentary. Regarding the observance or peaceful possession, or recognition of the rights of the Parish of Saint Michael, concerning which the judgment of the Novara Tribunal speaks, this is what is derived from the documents of Frascone, Bertone, Croce, and Marucco. The judgment states: "The documents of Bertone, Croce, and Marucco are not 'primarily produced as documents establishing the right of the Parish Priest of the hospital, but as documents proving that at the time when they lived, there was unanimous agreement within the Congregation regarding the validity of the peaceful possession of the right of the Parish Priest of the hospital, and they attest, especially with the manuscript of Frascone, to the enjoyment of a legitimate and peaceful possession of that right; and it is a fact establishing a possession of nearly a century, which presumes the best of titles and exempts from the production of a title." And it concludes: "The aforementioned considerations regarding the documents produced... produce in the judge the conviction that the right of the Parish Priest of Saint Michael to the Maggiore Hospital belongs to the Congregation, a conviction that has been continuously confirmed in the manuscript of Frasconi, in the document of Bertone, before 1806, and after 1806 in the documents of Croce and Marucco." Furthermore, in the first place, the judgment rightly holds that the manuscript of Frascone recognizes within the Congregation the peaceful, undisputed, and already existing right of the Parish Priest of Saint Michael before the year 1731, and it rightly concludes this from the fact that there is an explicit mention of contributions for the benefit of

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others, while there is no mention of contributions for the Parish Priest of Saint Michael; especially since immediately before the Parish Priest of Saint Michael, the contribution of the Parish Priest of Saint Mary, commonly known as Della Bicocca, is mentioned in 1731, for the benefit of others; and furthermore, from the fact that the Parish Priest of Saint Michael must necessarily be included among the twelve Parish Priests 'comprising the Congregation,' as is also gathered from the writing of Croce. What the patron of the plaintiff adds against the probative force of the manuscript of 'Frascone' is irrelevant, namely: 1) that the manuscript does not originate from the association; 2) that the mention of contributions for the benefit of others was omitted regarding the Parish Priest of Portigliotti, because he was not the first of the Parish Priests of Saint Michael to be admitted into the association, as is confirmed by the examples of the Parish Priests of Saint Cross and Saint Mary of the Bicocca; 3) that in that number of twelve Parish Priests 'comprising the Congregation,' the Parish Priests admitted for the benefit of others are also included, such as the Parish Priest of Saint Cross and the Parish Priest of Saint Mary, commonly known as della Bicocca. For with regard to the first point, the judgment does not say that the association recognizes the right of the Parish Priest of Saint Michael, but that the manuscript recognizes that right within the Congregation. With regard to the second argument, the reasoning proceeds from a false premise.

[*Latin ed. p. 409*]

The Roman Rota, number 409, mentions that the parish priest Tornotti was admitted by grace. Regarding the successors of Peter Besozio, the parish priest of the Church of the Holy Cross, who was admitted by grace on July 23, 1662, and Charles Luino, the parish priest of the Church of Santa Maria, commonly known as della Bicocca, who was admitted by grace on August 27, 1731, it is not mentioned that they were admitted by grace because, as can be gathered from documents presented by the plaintiff's advocate, the parish priest of the Church of the Holy Cross became a member by right on March 12, 1663, and the same right was obtained by the parish priest of the Church of Santa Maria, commonly known as della Bicocca, on January 12, 1732.

Furthermore, it should be noted that the parish priest of the Church of the Holy Cross, as mentioned above, was admitted by right in 1663, and although the parish priest of the Church of Santa Maria, commonly known as della Bicocca, was admitted by right only in 1732, it cannot be concluded from this that the manuscript of Frasconi mistakenly included him in the number of twelve parish priests "comprising the Congregation."

In fact, during the pastoral visitation conducted by Bishop Balbis Bertone on March 5, 1769, the Congregation's records state that those called attended, including the parish priest commonly known as della Bicocca, and

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the parish priest of the Church of Saint Andrew, who ministered to the Congregation, and who presented certain documents and rights... which, after being examined and reviewed by the aforementioned Bishop, it was determined: that it consists of several Reverend Parish Priests, both urban and suburban, namely, the parish priests of the Churches of Saint Peter, the Holy Cross, Saint Eufemia, Saint Stephen, Saint Andrew, Saint Agabius, and Santa Maria della Bicocca... and although the aforementioned parish priests have the right to be received as brothers, they cannot be compelled.

Therefore, the judgment rightly concludes that "some constitutive act is certainly to be presumed to have been examined among the documents presented to the Bishop." In any case, the record of the visitation "by Balbis Bertone attests that at that time, the right to be part of the Congregation of Parish Priests listed in the register was being discussed, peacefully, and had been in effect for some time."

Finally, the judgment derives the right of the parish priest of the Church of Saint Michael from a writing by the parish priest Croce, Dean of the Congregation, dated April 1, 1839, and from a report made by the parish priest Marucco to the Congregation in the year 1902.

However, the arguments presented by the plaintiff's advocate against the pastoral visitation record of Bishop Balbis Bertone, namely, that the parish priests of the Church of the Holy Cross and Santa Maria, commonly known as della Bicocca, were members by grace, no longer hold weight after the documents presented, from which it is clear that the parish priest of the Church of the Holy Cross acquired the right in 1663, and the parish priest of the Church of Santa Maria, commonly known as della Bicocca, acquired the right in 1732. Nor does the argument against the writing of the parish priest Croce, based on the fact that the parish priest of Saint Eustachius is still admitted only by grace, hold weight.

[*Latin ed. p. 410*]

410 Acta Apostolicae Sedis - Official Commentary. The greater force of proof of this document does not depend on the calculation of the number of parishes, since only nine parochial titles have the right to be represented in the Congregation, but rather on the fact that: "Among the titles 'surviving,' the title of Saint Michael is listed, and it is added that 'having the Cardinal Morozzo, Bishop, restored the parish of Saint Michael, ' and 'since a secular priest was instituted in it, this will return to 'its original right to request and obtain admission to said Congregation.'" Therefore, those things which the same Patron opposed against the new parish of Saint Michael, namely that the parish of the Major Hospital of Novara was newly established, and did not succeed in all the rights of the ancient parish of Saint Michael, especially with regard to the Congregation of Parishes, are invalid. For, as is evident from the decree of Bishop Morozzo, together with the Brief of Pius VIII concerning the church of Saint Michael, it is established, or rather, it is

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newly instituted and restored to its former state. And in the Brief of Pius VIII, it is expressly written: "To restore the parish of Saint Michael... in the parish being restored..." And that it has also been restored in its rights against the Congregation is evident not only from the aforementioned document of Parish Priest Croce, produced by the Congregation itself, but also from the report of Parish Priest Marucco, which is kept in the archives of the Congregation, and against which the Congregation has not issued any protestation or reservation concerning the rights of the parish of Saint Michael. This argument gains greater force if we consider it in conjunction with the statement that "the Congregation, which had such documents (Croce and Marucco) in its archives, would certainly have objected if 'it had considered the right in question to be not applicable, as it did in the case of the admission of the curates of the Cathedral, of Saint Gaudens and of Saint Martin..." Since, therefore, there is no evidence of injustice in the judgment, there is no reason to inquire about a serious injury, for it is said that without injustice, no injury is present (De Luca, cited, n. 10). Furthermore, where is the serious injury in this case, if, by the very admission of the actor, the admission, even if granted by grace, does not prevent the members, unless they expressly stipulate, as sometimes happens, the termination of their rights, from sharing all their rights with those admitted? If the Congregation complains that the rule, which had been in force since the foundation of the College for many centuries, is being abolished by the judgment of the Court of Novara: that no one should be admitted by right who does not succeed one of the founders; the Congregation itself has inflicted the ultimate blow on this rule, alleging two documents of March 12, 1663, and January 12, 1732.

[*Latin ed. p. 411*]

The Roman Rota, 411. Those matters having been duly considered both in fact and in law, We, the undersigned Auditors, sitting for the Tribunal, invoking the name of Christ, and with God alone before our eyes, respond to the proposed questions as follows: to I. Affirmative, that is to say, that the matter is decided in this case; to II. Negative, that is to say, that there is no place for restitution in full. Furthermore, We decree that the expenses be compensated between the parties. Thus We pronounce, and definitively We judge, commanding the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to enforce this Our definitive judgment, and against those who resist, to proceed according to the Sacred Canons, and especially session XXV, chapter 3, concerning appeals, of the Council of Trent, employing those executive and coercive means which they deem most effective and appropriate for the circumstances. Aloysius Sincero, Prelate. Joseph Mori. Frederick Cattani Amadori. From the Chancery,

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August 18, 1916. Rev. Tani, Notary.

[*Latin ed. p. 412*]

Acta Apostolicae Sedis – Official Commentary, DIARY OF THE ROMAN CURIA, SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, NOTICE OF COMPETITION:

A competition is open at the Sacred Congregation for the Propagation of the Faith for the provision of a position as a clerk in the Latin Secretariat. Priests who wish to participate in this competition must present their application, accompanied by the appropriate personal information and the "nihil obstat" from their respective Ordinary, to the Secretariat itself within one month from the date of this notice. A degree in Sacred Theology or Canon Law is required for admission to said competition. Furthermore, it is permissible for the candidates to present any titles that may demonstrate their suitability for the aforementioned office. The dates on which the competition will take place will be determined in due course. For the information of priests who wish to participate, it is noted: 1) that the competition will consist of two written examinations, one in the Latin language and the other in Italian; 2) that the topics will be primarily related to Moral Theology and Canon Law; 3) that particular consideration will be given to knowledge of foreign languages. Candidates must not exceed the age of 45 years. Rome, from the Sacred Congregation for the Propagation of the Faith, July 12, 1917.

SACRED CONGREGATION OF RITES:

On Tuesday, July 3, 1917, in the Apostolic Palace at the Vatican, the Particular Congregation of the Sacred Rites was held, in which the Most Reverend and Most Illustrious Cardinals and the Most Reverend Prelates who comprise the same, discussed and gave their vote on the following matters:

1. Concerning the validity and significance of the processes constructed in the Apostolic Vicariate of Northern Nyanza regarding martyrdom, the cause of martyrdom.

[*Latin ed. p. 413*]

Diarium Romanae Curiae 413: Concerning the signs and miracles of the Venerable Servants of God, Charles Luanga, Matthias Murum ba, and 20 Companions, who are said to have been killed in Uganda, in hatred of the Faith, in the year 1888: and concerning the cult, in obedience to the decrees of Urban VIII, which has never been offered to these same Venerable Servants of God; 2. Concerning the validity and significance of the Apostolic Process instituted in the Curia of Naples, based on the reputation of the sanctity of life, virtues, and miracles in general, of the Venerable Servant of God, Mary Rose Carafa, of the Barons of Traetto, of the Institute of the

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Handmaids of the Sacred Heart of Jesus in the city of Naples; 3. Concerning the cult, in obedience to the decrees of Urban VIII, which has never been offered to the Venerable Servants of God, James Sales, a priest, and William Saltamoch, a coadjutor, both of the Society of Jesus, who are said to have been killed in hatred of the Faith in 1593 in Aubenac, in the diocese of Viviers; 4. And likewise concerning the cult, never offered as above, to the Venerable Servant of God, Gaspare Bertoni, a priest, founder of the Institute of Priests of the Sacred Stigmata of Our Lord Jesus Christ; 5. And finally, concerning the cult, never offered as above, to the Servant of God, Charles Dominic Albini, a priest, of the Congregation of the Oblates of Mary Immaculate. On Tuesday, July 17, 1917, in the Apostolic Palace of the Vatican, with the participation of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Most Eminent Prelates, Officials, and theological Consultors, the Preparatory Congregation of Rites was held to discuss four miracles, which are said to have been wrought by God through the intercession of the Venerable Ludovica de Marillac, widow Le Gras, Co-foundress of the Daughters of Charity: these miracles are proposed for the beatification of the same Venerable Servant of God.

SECRETARY OF STATE, APOSTOLIC NUANCES

By dispatches from the Secretary of State, dated July 20, 1917, the Holiness of Our Lord, on the happy occasion of the centennial celebrations of the national independence of Peru, deigned to elevate the Pontifical Representation to the aforementioned Republic from the rank of an Internunciature to that of an Apostolic Nunciature, and simultaneously to appoint the Apostolic Nuncio of Peru, Monsignor Lorenzo Lauri, titular Archbishop of Ephesus. Likewise, by dispatches from the Secretary of State dated July 20, 1917, the Holiness of Our Lord, taking advantage of the anniversary of the national independence of Colombia, deigned to elevate...

[*Latin ed. p. 414*]

414 Acta Apostolicae Sedis - Official Commentary Regarding the Pontifical Representation at said Republic, from the rank of Internunciature to that of Apostolic Nunciature, and simultaneously appointing the Most Reverend Monsignor Enrico Gasparri, titular Archbishop of Sebaste, as Apostolic Nuncio to Colombia. BY ORDER With documents from the Secretariat of State, the Holy Father deigned to appoint: July 7, 1917. The Most Reverend Cardinal Aristide Rinaldini, Protector of the Congregation of the Daughters of Mary, of Gerona (Spain). July 9: The Most Reverend Cardinal Giulio Tonti, Protector of the Sisters of Providence, of Portieux. July 9: Monsignor Benedetto Melata and the Reverend Fathers Pasquale Brugnani of the Minor Orders, Gioacchino Maria Dourche of the Servants of Mary, Raf-

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faele of St. Joseph of the Discalced Carmelites, and Giuseppe Drehmanns of the Priests of the Most Holy Redeemer, Consultors of the Holy Penitentiary for the Section of Indulgences. July 20: The Most Reverend Cardinal Basilio Pompilj, Protector of the Institute of St. John the Baptist. July 22: The Reverend Father D. Federico Fioretti, Secretary of a Second-Class Nunciature. With Apostolic Briefs, the Holy Father deigned to appoint: Assistants to the Holy See: May 14, 1917. Monsignor Michele Tommaso Labrecque, Bishop of Chicoutimi. July 10: Monsignor Giuseppe Gamba, Bishop of Novara. July 13: Monsignor Giuseppe Maria Koudelka, Bishop of Superior. Domestic Prelates of the Holy See: June 27, 1917. Monsignor Carlo Barbarulo, of the archdiocese of Salerno. Monsignor Francesco Santucci, of the same archdiocese. July 17: Monsignor Colino Chisholm, of the diocese of Antigonish.

[*Latin ed. p. 415*]

From the Roman Curia Diary, 41.

HONORS:

By Apostolic Briefs, the Holy Father deigned to bestow the following honors:

The Plaque of the Order of Saint Gregory the Great, civil class: July 17, 1917. To Mr. Comm. Giovanni von Reiizenstein, Chamberlain and Ceremonial Master of the Bavarian Court.

The Commander's Cross with Plaque of the Order of Saint Gregory the Great, civil class: July 15, 1917. To Mr. Francesco Donoso Carvallo, Under-Secretary of State for Foreign Affairs in Bavaria.

The Commander's Cross with Plaque of the Order of Saint Gregory the Great, military class: July 4, 1917. To Mr. Marquis Adriano de Bertier Pinsaguel, of the Archdiocese of Toulouse.

The Commander's Cross of the Order of Saint Gregory the Great, civil class: July 3, 1917. To Mr. Umberto Luigi Leicester, of the Archdiocese of Birmingham.

July 15. To Mr. Alvaro Baeza-Yavar, Head of the Diplomatic Section, of Protocol and Ceremonial at the Ministry of Foreign Affairs in Bavaria.

July 19. To Mr. Maurizio Schneemann, of the Diocese of Münster.

Knighthood of the Order of Saint Gregory the Great, civil class: July 15, 1917. To Mr. Cristiano Jordan, Secretary of Legation, attached to the Ministry of Foreign Affairs in Germany.

July 21. To Mr. Emilio Arri, of the Diocese of Santander.

July 23. To Mr. Dr. Carlo Giuseppe Reginaldo O'Reilly, of the Archdiocese of Westminster.

The Commander's Cross of the Order of Saint Sylvester the Pope: April 2, 1917. To Mr. Lawyer Pier Umberto Giaj-Levra, of the Archdiocese of Turin.

Knighthood of the Order of Saint Sylvester the Pope: July 6, 1917. To Mr.

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Benedetto Baroli, of the Diocese of Novara.

[*Latin ed. p. 416*]

416 Acta Apostolicae Sedis - Commentarium Officiali MAGGIORDOMATO DI SUA SANTITÀ NOMINE Con Biglietti di S. E. Riha Mona. Maggiordomo, the Holy Father deigned to appoint:

Secret Chamberlains, extraordinary, of His Holiness: 5 July 1917. Monsignor Maurizio Lartigue, of the diocese of La Rochelle.

Monsignor Gabriele Jeandeau, of the same diocese.

Monsignor Alessio Meneau, of the same diocese.

Monsignor Eugenio Cloutour, of the same diocese.

Monsignor Alberto Levarne.

Monsignor Adriano Giovanni Holiërhoek, of the diocese of Harlem.

Secret Chamberlain of Sword and Mantle, extraordinary, of His Holiness: 19 January 1917.

Mr. Mariano Sobolewski, of the archdiocese of Leopoli.

Honorary Chamberlain in purple attire of His Holiness: 2 July 1917.

Monsignor Agostino Hoeller, of the archdiocese of Colonia.

Honorary Chaplains, beyond the city, of His Holiness: 19 January 1917.

Monsignor Michele Mudri, of the diocese of Crisio.

Monsignor Giovanni Simrak, of the same diocese.

NECROLOGY

21 June 1917.

Monsignor Giacomo Browne, Bishop of Ferns (Ireland).

1 July

Monsignor Giovanni Mangan, Bishop of Kerry (Ireland).

2

Monsignor Giuseppe Giustiniani, Archbishop of Sorrento.

8

Monsignor Gioacchino Giuseppe Vieira, titular Archbishop of Cirro.

Monsignor Antonio Maria Duran, Bishop of Guayana (Venezuela).

Monsignor Teodoro Messajeh, Bishop of the Chaldean rite, of the diocese of Kerkuk in Kurdistan.

10

Monsignor Arsenio del Campo y Monasterio, of the Order of St. Augustine, titular Bishop of Epifania.

28

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Monsignor Pasquale Trosksi, titular Bishop of Nacolea.

[*Latin ed. p. 417*]

Year IX - Vol. IX, September 1, 1917, No. 9. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. THE ACTS OF POPE BENEDICT XV. REGARDING THE CONSIDERATIONS OF THE PEOPLES IN THE WAR, DURING THE YEAR. AN ADMONITION OF THE SUPREME PONTIFF TO THE GOVERNORS OF THE BELLIGERENT NATIONS, SUGGESTING CERTAIN MEANS SUITABLE FOR RESOLVING DISCORD AND RESTORING PEACE. TO THE CHIEFS OF THE BELLIGERENT PEOPLES. From the beginning of Our Pontificate, amidst the horrors of the terrible war unleashed upon Europe, We have proposed three things above all: to maintain perfect impartiality towards all the belligerents, as befits Him who is the common Father and who loves all His children with equal affection; to strive continuously to do good to all, without exception of persons, without distinction of nationality or religion, as both the universal law of charity and the supreme spiritual office entrusted to Us by Christ dictate; and finally, as Our peacemaking mission also requires, to omit nothing, as far as it was in Our power, of that which might contribute to hastening the end of this calamity, by seeking to lead the peoples and their leaders to more moderate resolutions, to the serene deliberations of peace, of a "just and lasting" peace. Whoever has followed Our work during these three sorrowful years that have just passed, has been able to easily recognize that, although We have always remained faithful to Our resolution of absolute impartiality and to Our work of beneficence, We have not ceased to exhort the peoples and the belligerent governments to become brothers again, although publicity has not been given to all that We have done to achieve this very noble goal. ACTS, VOL. IX, No. 9. - 1-9-1917. 87.

[*Latin ed. p. 418*]

418 Acta Apostolicae Sedis - Commentarium Officiale

Vers la fin de la première année de guerre, Nous adressions aux nations en lutte les plus vives exhortations, et de plus, Nous indiquions la voie à suivre pour parvenir à une paix stable et honorable pour tous. Malheureusement, Notre appel ne fut pas entendu; et la guerre s'est poursuivie, acharnée, pendant deux années encore, avec toutes ses horreurs; elle devint même plus cruelle et s'étendit sur terre, sur mer, jusque dans les airs; et l'on vit s'abattre sur des cités sans défense, sur de tranquilles villages, sur leurs populations innocentes, la désolation et la mort. Et maintenant, personne ne peut imaginer combien se multiplieraient et s'aggraveraient les souffrances de tous, si d'autres mois, ou, pire encore, si d'autres années venaient s'ajouter à ce sanglant triennat. Le monde civilisé devra-t-il donc n'être plus qu'un champ de mort? Et l'Europe, si glorieuse et si florissante,

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va-t-elle, comme entraînée par une folie universelle, courir à l'abîme et prêter la main à son propre suicide?

Dans une situation si angoissante, en présence d'une menace aussi grave, Nous, qui n'avons aucune visée politique particulière, qui n'écoutons les suggestions ou les intérêts d'aucune des parties belligérantes, mais uniquement poussés par le sentiment de Notre devoir suprême de Père commun des fidèles, par les sollicitations de Nos enfants qui implorent Notre intervention et Notre parole pacificatrice, par la voix même de l'humanité et de la raison, Nous jetons de nouveau un cri de paix et Nous renouvelons un pressant appel à ceux qui tiennent en leurs mains les destinées des nations. Mais pour ne plus Nous renfermer dans des termes généraux, comme les circonstances Nous l'avaient conseillé par le passé, Nous voulons maintenant descendre à des propositions plus concrètes et pratiques, et inviter les Gouvernements des peuples belligérants à se mettre d'accord sur les points suivants, qui semblent devoir être les bases d'une paix juste et durable, leur laissant le soin de les préciser et de les compléter.

Tout d'abord, le point fondamental doit être que, à la force matérielle des armes, soit substituée la force morale du droit; d'où un juste accord de tous pour la diminution simultanée et réciproque des armements, selon des règles et des garanties à établir, dans la mesure nécessaire et suffisante au maintien de l'ordre public en chaque État; puis, en substitution des armées, l'institution de l'arbitrage, avec sa haute fonction pacificatrice.

[*Latin ed. p. 419*]

The acts of Pope Benedict XV, according to norms to be established and sanctions to be determined, against the state which would refuse either to submit international questions to arbitration or to accept its decisions. Once the supremacy of law is thus established, let all obstacles to the communication of peoples be removed, ensuring, by rules to be likewise established, true freedom and community on the seas, which, on the one hand, would eliminate numerous causes of conflict, and, on the other hand, would open up new sources of prosperity and progress for all. As for the damages to be repaired and the costs of war, We see no other means of resolving the question than by establishing, as a general principle, a complete and reciprocal condonation, which is, moreover, justified by the immense benefits to be derived from disarmament; all the more so, since it would not be understood to continue such carnage solely for reasons of an economic order. If, in certain cases, there exist, on the contrary, particular reasons, let them be weighed with justice and equity. But these peaceful agreements, with the immense advantages that flow from them, are not possible without the reciprocal restitution of the territories currently occupied. Therefore, on the part of Germany, a total evacuation of Belgium, with a guarantee of its full political, military, and economic independence, vis-à-vis any Power;

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an evacuation also of French territory; on the part of the other belligerent parties, a similar restitution of the German colonies. With regard to territorial questions, such as those debated between Italy and Austria, between Germany and France, it is to be hoped that, in consideration of the immense advantages of a lasting peace with disarmament, the conflicting parties will examine them with conciliatory dispositions, taking into account, to the extent of what is just and possible, as We have said before, the aspirations of the peoples, and, on occasion, coordinating particular interests with the general good of the great human society. The same spirit of equity and justice must guide the examination of other territorial and political questions, and in particular those relating to Armenia, the Balkan States, and the ter-

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis - Commentarium Officiale. Concerning territories formerly part of the Kingdom of Poland, to which, in particular, its noble historical traditions and the sufferings endured, especially during the present war, ought rightly to reconcile the sympathies of nations. Such are the principal foundations upon which We believe the future reorganization of peoples should be based. They are capable of rendering a return to similar conflicts impossible and of preparing the solution of the economic question, which is so important for the future and the material well-being of all belligerent states. Therefore, presenting them to you, who at this tragic hour direct the destinies of the belligerent nations, We are animated by a sweet hope, that of seeing them accepted, and thus seeing the terrible struggle end as soon as possible, which appears more and more as an unnecessary massacre. Moreover, everyone recognizes, on both sides, that the honor of arms is preserved. Therefore, lend an ear to Our prayer, and accept the paternal invitation that We address to you in the name of the Divine Redeemer, Prince of Peace. Reflect on your very grave responsibility before God and before men; your resolutions depend on the rest and joy of countless families, the lives of thousands of young men, and, in a word, the happiness of the peoples, to whom you have an absolute duty to procure the benefit. May the Lord inspire you with decisions conforming to His most holy will. May Heaven grant that, meriting the applause of your contemporaries, you also secure, before future generations, the beautiful name of peacemakers. For Us, closely united in prayer and penance with all faithful souls who yearn for peace, We implore for you the light and counsel of the Divine Spirit. From the Vatican, August 1, 1917. BENEDICT XV PP.

[*Latin ed. p. 421*]

Acts of Pope Benedict XV (Italian Version) TO THE HEADS OF THE BELLIGERENT PEOPLES. From the very beginning of Our Pontificate, amidst the horrors of the terrible storm that had befallen Europe, We

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set before Ourselves three things above all others: a perfect impartiality towards all the belligerents, as befits one who is the common Father and who loves all his children with equal affection; a continuous effort to do the greatest good possible to all, and this without accepting persons, without distinction of nationality or religion, as both the universal law of charity and the supreme spiritual office entrusted to Us by Christ dictate; and finally, the constant care, demanded equally by Our peacemaking mission, to omit nothing, as far as it was in Our power, that might hasten the end of this calamity, by encouraging the peoples and their Heads to more moderate counsels, to the serene deliberations of peace, of a "just and lasting peace." He who has followed Our work throughout the painful three years that are now drawing to a close, has been able to recognize that, just as We were always faithful to the purpose of absolute impartiality and beneficence, so We did not cease from exhorting the peoples and the belligerent governments to return to brotherhood, although it was not always made public what We did with this noble intention. At the close of the first year of the war, We, addressing them with the most earnest exhortations, also indicated the path to be followed in order to achieve a stable and dignified peace for all. Unfortunately, Our appeal was not heeded: the war continued fiercely for another two years with all its horrors; indeed, it intensified and spread across land, sea, and even the air; hence, desolation and death descended upon defenseless cities, quiet villages, and their innocent inhabitants. And now, no one can imagine how much the common evils would be multiplied and how much they would be aggravated if other months, or worse, if other years were added to this bloody three-year period. Must the civilized world therefore be reduced to a field of death? And will Europe, so glorious and flourishing, rush, almost swept away by a universal madness, into the abyss, towards a veritable suicide? In such an agonizing state of affairs, before such a grave threat, We, not for particular political aims, nor for the suggestion or interest of any of the belligerent parties, but moved solely by the conscience of the supreme duty of common Father of the faithful, by the sighs of the children who...

[*Latin ed. p. 422*]

Acts of the Apostolic See – Official Commentary. Invoking Our paternal concern and Our peacemaking efforts, and raising anew the cry of peace through the very voice of humanity and reason, We once again implore those who hold the destinies of nations in their hands. But, lest We remain confined to generalities, as circumstances have suggested to Us in the past, We now wish to propose more concrete and practical measures, and We invite the Governments of the belligerent nations to agree upon the following points, which seem to be essential pillars of a just and lasting peace, leaving it to the same Governments to refine and complete them.

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And first of all, the fundamental principle must be that the moral force of law should supersede the material force of arms. Therefore, a just agreement among all nations for the simultaneous and reciprocal reduction of armaments, according to norms and guarantees to be established, in a measure necessary and sufficient for the maintenance of public order within each state; and, in place of arms, the institution of arbitration, with its high peacemaking function, according to the norms to be agreed upon and the sanction to be established against any state that refuses to submit international questions to arbitration or to accept its decision. Once the dominion of law is thus established, every obstacle to the free communication of peoples should be removed, with true freedom and common use of the seas: which, while eliminating numerous causes of conflict, would open up new sources of prosperity and progress for all. As for the damages and expenses of war, We see no other solution than the general principle of a complete and mutual remission, justified, moreover, by the immense benefits of disarmament; all the more so, since it would not be understood how such slaughter could continue solely for reasons of economic order. If, in some cases, particular reasons should oppose this, let them be weighed with justice and equity. But these peaceful agreements, with the immense advantages that they bring, are not possible without the mutual restitution of territories currently occupied. Therefore, on the part of Germany, a total evacuation of Belgium, with the guarantee of its full political, military, and economic independence from any power, and of French territory; on the part of the opposing side, a corresponding restitution of German colonies. As for territorial questions, such as those that exist, for example, between Italy and Austria, and between Germany and France, it is to be hoped that, faced with the immense advantages of a lasting peace,

[*Latin ed. p. 423*]

Acta Benedicti PP. XV, 423: Cum disarmo, partes contendentes volunt ea examinare cum animo conciliante, tenendo conto, inquantum iustum et possibile est, sicut diximus aliae res, aspirationum populorum, et coordinando, ubi necesse est, propria interest ad ea communia magnae consortii humani. Eiusdem spiritus aequitatis et iustitiae debet dirigere examen omnium aliarum quaestionum territorialium et politicarum, praesertim eorum quae pertinent ad statum Armeniae, civitatum Balcanicorum et terrarum quae sunt pars antiqui Regni Poloniae, cui, praesertim propter suas nobiles traditiones historicas et dolores passos, praesertim durante praesentis belli, iuste conciliantur simpathiae nationum. Hae sunt praecipuae bases super quas credimus futurum statum populorum poseri debere. Hae sunt tales ut impossibile sit repetitionem talium conflictuum, et praeparant solutionem quaestionis oeconomicae, quae tam magna est pro futuro et pro bono materiali omnium civitatum belligerantium. In praesentandis ergo his vobis, qui in hac tragica hora gubernatis res populorum belligerantium,

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animati sumus spe dulci et suavissima ut eas accipiatis, et ita quam primum ad cessationem huius terribilis pugnae perveniatis, quae, quotidie, videtur fieri pro vana strage. Omnes agnoscunt, aliis verbis, quod, in utraque parte, honor armorum servatur; audite ergo preces nostras, accipite invitationem paternam quam vobis proponimus nomine Redemptoris divini, Principis pacis. Cogitate de gravissima vestra responsabilitate coram Deo et coram hominibus; ex vestis solutionibus pendent quiete et gaudio innumerabilium familiam, vita milliarum iuvenum, felicitas ipsa populorum, quae vobis est debitum. Dominus inspiret vobis decisiones conformes ad voluntatem suam sanctissimam, et faciat ut, meriti approbationem aetatis praesentis, etiam apud futuras generationes nominis pacificatorum assequamini. Nos interim, ferventer coniungimur in oratione et in poenitentia cum omnibus animis fidelibus qui pacem suspirant, et vos imploramus a Spiritu Divino lumen et consilium. Ab Vaticano, I Augusti 1917.

BENEDICTUS PP. XV.

[*Latin ed. p. 424*]

Acts of the Apostolic See - Official Commentary. APOSTOLIC LETTER GRANTING A PERPETUAL PLENARY INDULGENCE TO THOSE WHO, ON CERTAIN DAYS, VISIT THE PARISH CHURCH OF SAINT VINCENT DE PAUL IN THE CITY OF NANCY-TOUL. BENEDICT XV. For the perpetual memory of the matter. – Moved by pious charity, and intent on increasing the faith of the faithful and promoting the salvation of souls, We, with the heavenly treasures of the Church, grant to all and to each Christian of both sexes who are truly penitent and have confessed, and who have received Holy Communion, that if they devoutly visit the parish church of Saint Vincent de Paul in the City and Diocese of Nancy-Toul, on the feast day of Saint Vincent de Paul, or on the Sunday immediately following, each year, from midday of the preceding day until midnight of the feast day itself, and there offer devout prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, We grant and bestow, with merciful kindness in the Lord, a plenary remission and forgiveness of all their sins, which may also be applied, as a suffrage, for the souls of the faithful detained in Purgatory. Notwithstanding anything to the contrary. Valid for the present, perpetual, and future times. Given at Rome, at Saint Peter's, under the Fisherman's ring, on the tenth day of July, in the year 1917, in the third year of Our Pontificate. P. CARD. GASPARRI, Prefect of the Secretariat of State. II. A NEW DIOCESE OF WAGGA-WAGGA IS ESTABLISHED IN AUSTRALIA. BENEDICT XV. For the perpetual memory of the matter. – In order that, with an increase in the number of pastors, better care might be provided for the flock of the Lord, Our Predecessors, the Roman Pontiffs, with constant and diligent vigilance,

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have always striven, fulfilling the supreme duty of the apostolate divinely entrusted to them. Indeed, during the third Plenary Council of Australia, the Most Reverend Bishops of Australia discussed the establishment of a new diocese in the State of New South Wales.

[*Latin ed. p. 425*]

The Acts of Pope Benedict XV, page 425, record that a plan was devised, and taking advantage of the opportunity presented by the proposed demarcation of new boundaries for the diocese of Wilcannia, this new diocesan establishment was again considered, under the presidency and auspices of the Most Reverend Father Bonaventure Gerretti, Apostolic Delegate in Australasia. After consultations with the Most Reverend Fathers and Lords, Cardinals, Prefects of the Congregation for the Propagation of the Faith, and after careful examination, we judged that this proposal for a Prefect in Australia should be approved and sanctioned by our supreme authority. Therefore, by our own initiative and with certain knowledge and mature deliberation, and by the fullness of our apostolic power, we hereby, by the present document, separate fifteen parish districts from the diocese of Goulburn, with the consent of the Bishop of that diocese. These districts are: Wagga-Wagga, Hume, Goolamon, Ganmain, Narrandera, Leeton, Jerilderie, Berrigan, Lockhart, Tirana, Henty, Balldale, Gorowa, Albury, and Germanton. From these parish districts, thus separated, we wish to establish a new diocese, which we name Wagga-Wagga; and we also decree that the residence of the Bishop shall be located in the city of Wagga-Wagga. We hereby command that these present letters shall always be firm, valid, and effective, and shall fully and completely produce and obtain their intended effects, and shall be fully sufficient for all and for everything, and shall be considered and defined as such, and shall be rendered void and null if anyone, knowingly or unknowingly, should attempt to alter them in any way, by any authority whatsoever. Notwithstanding our own regulations and those of the Apostolic Chancery regarding matters of law, and all other apostolic Constitutions and all other things to the contrary. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the 28th day of July, 1917, in the third year of our pontificate. P. CARD. GASPARRI, Secretary of State.

TWELVE PARISH DISTRICTS ARE DETACHED FROM THE ARCHDIOCESE OF SYDNEY AND ADDED TO THE DIOCESE OF GOULBURN.

* BENEDICT XV. For the perpetual memory of this event. – May these things, which are for the good of the Catholic name and the eternal salvation of the faithful, proceed well, prosperously, and happily; and that we may diligently accomplish them, the supreme office of the apostolate

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reminds us.

[*Latin ed. p. 426*]

426 Acta Apostolicae Sedis - We, undeservedly, perform this office. Indeed, since the erection of the new Diocese of Wagga-Wagga in Australia, several parochial districts have been lost to the Diocese of Goulburn, and the territory of the Archdiocese of Sydney appears to be excessively extensive; therefore, it seemed opportune, according to the desire of several Australian prelates, and after examining the proposal presented by the Most Reverend Father Bonaventure Gerretti, the Apostolic Delegate in Australasia, to separate twelve parochial districts from the territory of the Archdiocese of Sydney, and to annex them, in turn, to the territory of the Diocese of Goulburn. We, after having consulted with the Most Reverend Fathers and Brothers, Cardinals, Prefects of the Congregation for the Propagation of the Faith, after having considered the equitable reasons presented, fully approve of the proposed plan, and, by Our own authority, based on certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, and with the explicit consent of the Archbishop of Sydney, We hereby separate, or dismember, twelve parochial districts from the territory of the aforementioned Archdiocese, whose names are Milton, Braidwood, Araluen, Moruya, Cobargo, Bega, Pambula, Bombala, Cooma, Michelego, Queanbeyan, and Bungendore, and We annex them, by the same authority, to the territory of the Diocese of Goulburn, declaring them annexed. These things We have decided, decreeing that these present Letters shall always remain valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, now and in the future; and that, in all respects, judgment and definition shall be made according to the foregoing, and that it shall be declared void and null if anyone, knowingly or unknowingly, should attempt to alter it by any authority whatsoever. Notwithstanding Our own and the Apostolic Chancery's rule regarding matters of law, and other Apostolic Constitutions and enactments, and all other things whatsoever to the contrary. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the twenty-eighth day of July, in the year 1917, in the third year of Our pontificate. P. CARD. GASPARRI, Secretary of State.

[*Latin ed. p. 427*]

Acta Benedicti PP. XV 427

IV. IT IS DECREED THAT THE DIOCESE OF WILCANNIA, WITH THE ADDITION OF SIX PAROCHIAL DISTRICTS SEPARATED FROM THE DIOCESE OF BATHURST, SHALL HEREAFTER BE CALLED WILCANNIA-FORBES, AND ITS BISHOP SHALL RESIDE ALTERNATIVELY IN THE CITY OF BROKEN-HILL AND IN THE CITY OF FORBES FOR SIX MONTHS EACH.

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BENEDICT XV. FOR THE PERPETUAL MEMORY OF THIS MATTER.

Since, by the apostolic office which We exercise, the care of all churches has been entrusted to Us, so that those things may be promoted which are better suited to the administration of sacred affairs, and which appear more fitting and opportune for their happy state, We strive with diligent and paternal care. Indeed, the diocese of Wilcannia in Australia, canonically erected since the year 1887 and entrusted to apostolic care by the Most Reverend John Dunne, has been left widowed by the death of its most desired pastor, who peacefully passed away on the twenty-fifth day of the month of December of the past year; and since, as the Bishop Dunne himself testified while he was alive, the territory of the aforementioned diocese is so situated that it presents great difficulties for the care of souls for missionaries, some of the prelates of Australia, with the authority and under the auspices of the Most Reverend Brother Bonaventure Cerretti, Apostolic Delegate in Australasia, deemed it useful to propose to the Holy See a new delimitation of the boundaries of the aforementioned diocese. We, after maturely examining and considering all the circumstances, and with the Most Reverend Fathers and Lords Cardinals presiding over the Congregation for the Propagation of the Faith, judged this proposal of the prelates of Australia to be worthy of approval. Since these things are so, by Our own motion and from certain knowledge and mature deliberation, and by the fullness of Our Apostolic power, We decree in the present document, with the consent of the Bishop of Bathurst, that six parochial districts are separated and detached from the territory of that diocese. These six districts, which are called Forbes, Condobolin, Parkes, Peak Hill, Narromine, and Warren, separated from the diocese of Bathurst, We add to the territory of the diocese of Wilcannia. We also wish that the same diocese, increased by the aforementioned districts, shall take the name of the diocese of Wilcannia-Forbes; and We command that the Bishop shall have a double residence, one in the place of the former residence, namely in the city of Broken-Hill, and the other in the city of Forbes, and that, for the common spiritual good of the diocese, he shall reside for six months in Broken-Hill and for six months in Forbes each year. These things We have decided, decreeing these present letters to be firm, valid, and efficacious.

[*Latin ed. p. 428*]

428 Acta Apostolicae Sedis – The official commentary shall always exist and remain, and shall produce and obtain its full and complete effects, and it shall fully support, and may in the future support, those to whom it applies; and therefore, judgment and definition shall be made on the foregoing, and it shall be declared invalid and void if, by anyone, knowingly or unknowingly, it should happen to be interfered with in any way, contrary to these things. Notwithstanding Our regulations and those of the Apostolic Chancery regarding matters of law, and other apostolic Constitutions

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and enactments, and all other things whatsoever to the contrary. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the twenty-eighth day of July, 1917, in the third year of Our pontificate. P. CARD. GASPARRI, Prefect of the Secretariate of State. LETTER TO THE MOST REVEREND DOM JAMES OGIER, GENERAL MODERATOR OF THE SACERDOTAL FEDERATION "FOR POPE AND CHURCH": EXPRESSING GRATITUDE FOR THE PETRIAN GRANT, AND CONGRATULATING HIM ON THE INCREASE AND WIDER SPREAD OF THE PIOUS ASSOCIATION. Beloved son, greetings and the apostolic blessing. – In the greatest concerns which cannot be separated from the office of the Supreme Pontiff, especially in these calamitous times, the close union of the faithful with the Apostolic See offers Us a considerable source of comfort. Since it is precisely the association of priests which bears the name "For Pope and Church" that is most concerned with preserving and increasing this union, We cannot but foster this association with paternal charity. And this not undeservedly; for the most noble sacerdotal society, as We gladly learn, even from what you recently told Us in person, with the help of God and the efforts of Our beloved son, Cardinal Billot, who serves as its patron, has thus far produced abundant fruits, entirely in accordance with its purpose, which consists in fostering love for the Vicar of Jesus Christ, in promoting reverence for the Church, and in defending the rights of both. Therefore, having made these things clear to you, We wish to confirm them in writing, and We are, of course, greatly pleased to learn through you that no harm has been caused to the association which you direct, as a result of this terrible war, but rather that it has belonged to the sacred order and has pertained to the lay group. For, as you yourself reported, amidst the waves of war, here and there...

[*Latin ed. p. 429*]

The acts of Pope Benedict XV, page 429, state that, having been tossed and almost swallowed up, he endeavored to flee to the See of Peter, as to an anchor of hope and a harbor of salvation, confident that from this one source, tranquility, order, and peace would be brought to the peoples and nations so greatly disturbed and afflicted. But another argument, and not a small one, has been presented to Us, concerning the zeal and eagerness with which this pious association pursues its purpose with all its strength. We declare that a considerable sum has been collected, a truly Peterian contribution, to meet the needs of the Apostolic See, and it has been reverently presented to Us by you. We have accepted this as a testimony of devotion and obedience, and we give you and the other contributors our due thanks, and we rejoice that this noble emulation of charity and piety has been awakened, not only in France, but also in Italy and other nations, by the very foundation and zeal of this same association. We earnestly pray that God may never cease to bless this, and we make vows that through

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this providentially instituted association, the Christian spirit may flourish among the faithful and grow more and more each day. Indeed, since we desire to be participants in the explanation of this association, we do not hesitate to state that it will be pleasing to Us if all those who are united with you in this association, or who strive to join it, will develop and impart to the faithful this argument, drawn from the very name of the association. It is clear that this name signifies nothing other than that the association was founded for the Pope and for the Church. What, then, is the relationship between the Pope and the faithful, or between the faithful and the Church, if not that of a father and his children, or of children and their mother? Therefore, let all who have given or will give this name to the association always keep this relationship in mind, and let them behave towards the Pope and the Church in the same way that children behave towards their father and mother, that is, let them show them faithful and constant obedience and reverence, and, above all, let them hold and openly profess whatever the Roman Pontiff, which is the head of the Church, has taught or will teach, having understood it with sound judgment. We earnestly pray that all these things may prosper, and, as a giver of heavenly graces, we impart to you, our beloved son, and to the entire group over which you preside, our apostolic blessing, with all our heart, in the Lord. Given at Rome, near St. Peter's, on the twelfth day of May, 1917, in the third year of Our pontificate. BENEDICT XV.

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis - Official Commentary ACTA 88. SUPREME SACRED CONGREGATION OF THE HOLY OFFICE DECREE: On Thursday, the 18th of July, 1917, in the General Assembly of the Supreme Congregation of the Holy Office, the Most Eminent and Reverend DD. Cardinals, Inquisitors General in matters of faith and morals, condemned and proscribed the work printed by lithography, entitled: "R. Università degli Studi di Roma. Professor ERNESTO BONAIÜTI, History of Christianity. Lectures collected and compiled by Dr. Alessandro Gaddi. Academic Year 1916-1917, Rome, Libreria Editrice Castellani, Via Sapienza, n. 68." And on the following Friday, the 19th of the same month and year, the Most Holy Lord Pope Benedict XV, in an audience granted to the Reverend Fathers Assessors of the Holy Office, approved, confirmed, and ordered the publication of the resolution reported to him by the Most Eminent Fathers. Given in Rome, in the Offices of the Holy Office, on the 1st of August, 1917. Aloisius Castellano, Secretary, Royal and Sacred, and Universal Inquisitor.

[*Latin ed. p. 431*]

SACRED CONSISTORY CONGREGATION

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J PROVISIONS FOR CHURCHES

By decrees of the Sacred Consistory, His Holiness Pope Benedict XV has provided for the following churches, namely:

July 27, 1917. — He appointed the Reverend Father Isidoro Badia y Sarradell, formerly titular Bishop of Ascalon, as Bishop of the episcopal church of Tarazona.

August 4. — He appointed the Reverend Father Natale Serafino, formerly Bishop of Chiavari, as titular Bishop of the church of Tricella.

August 24. — He appointed the Reverend Father John Mae Intyre, appointed as Auxiliary Bishop of the Most Reverend Bishop of Birmingham, as titular Archbishop of the church of Oxyrynchus. — He appointed the Reverend Father Dionysius Matthew Lowney, appointed as Auxiliary Bishop of the Most Reverend Bishop of Providence, as titular Bishop of the church of Adrianople.

II. APPOINTMENTS

By decrees of the Sacred Consistory, the following were appointed:

August 10, 1917. — The Reverend Father Eugenius Tosi, Bishop of Andria, as Apostolic Administrator of the cathedral church of Squillace.

August 18. — The Reverend Father Andrew Carón, titular Archbishop of Chalcedon, as Apostolic Administrator of the cathedral churches of Cornetana and Centumcellae.

[*Latin ed. p. 432*]

The Acts of the Apostolic See. Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. APPOINTMENTS. By brief apostolic letters, the following were appointed: July 27, 1917. – Apostolic Vicar of the Vicariate of Saint Lawrence in the Canadian region, Reverend Father Patricius Ghiasson, of the Congregation of Jesus and Mary (the Eudists). July 30 – Coadjutor with right of succession to the Apostolic Vicar of Southern Cé, Reverend Father Henricus Lécroart, of the Society of Jesus. July 31. – Archbishop of Cherchen of the Chaldeans, Most Reverend Father Stephanus Djibri, already titular Archbishop of Nisibis. SACRED CONGREGATION FOR RITES. IN MILAN AND TROY. DECREE FOR THE INTRODUCTION OF THE CAUSE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, Father Ludovicus Mariae Calco, Priest, of the Order of Preachers. In Milan, from a noble and ancient family of the Calcos, on December 26th of the year 1669, the fifth child of Senator Sigismundus and Franciscae Custode, Ludovicus Mariae Calco was born, and immediately, in the parish church of Saint Stephanus ad Nossigium, he was regenerated by the sacred sacrament of baptism. From his infancy, under the care of his pious parents, he began to cultivate the seeds

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of virtue. Modesty, piety, obedience, and the excellent character of his soul demonstrated the purity of his spirit, which shone all the more brightly through his custom and charity towards the poor, to whom he devoted his industry and generosity as much as he could. Having barely reached the tenth year of his age, he conceived a plan, which he had previously...

[*Latin ed. p. 433*]

433 The Holy Congregation of Rites had begun to prepare him for leaving the world, and it completed its efforts. Having found an opportunity to make his wishes known and to gain favor for himself and for his intentions, he left his home and his country, went to Modetia, and, proceeding to the monastery of St. Dominic, he humbly requested the admission of the superior into the religious order. The superior, having learned of the state of the applicant and his family, together with the fathers who were present, admired his premature decision and praised the beginnings of his religious vocation; however, since the laws of the Order forbade the reception of novices at that age, especially without the consent of their parents, he gently dismissed Lewis Mary. This young man, returning to his homeland, fostered and firmly maintained his purpose through a strict way of life and the customs of religious men, until, in the year 1684, already a fifteen-year-old adolescent, having made his vows, he entered the Dominican monastery of St. Mary of Graces on June 24th. Sent to Garessium, in the Piedmont region, there, after properly completing his novitiate, in the following year, on October 15th, on the feast of St. Teresa, the seraphic Carmel virgin, whom he then chose among his principal patrons, he received the religious habit of St. Dominic, retaining the name given to him at his baptism, Lewis Mary. From then on, devoted to philosophical and theological studies, he progressed so much in them that he gave a public demonstration of his knowledge on all theological matters before learned men, who were present with applause and admiration. However, he directed his mind and strength to even higher studies and labor. He always kept before his eyes God, the source of all knowledge, and he did not relax in the custom of prayer, the austerity of life, and the observance of the rules. He expressed this way of life, which is proper to religious men, not only in his conduct, but also in writing, for the benefit of his companions and others. Therefore, his superiors sent Lewis Mary to monasteries then considered to be of stricter observance, first to the one in Alessandria near the Holy Cross, then to the one in Ravenna, and finally to the one in Rome near the Holy Sabina, where he himself gave the aforementioned demonstration of his learning, and was ordained to the sacred order of the priesthood. Soon after, at the order of his superiors, he taught philosophy in Alexandria for a year and theology in Ferneres for four years; in that city, he was simultaneously a teacher of novices, a confessor in the church and to the nuns, a distributor of alms to the poor and the needy, and an assistant to the Bishop, John, in

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the administration of the diocese; and he properly performed the duties entrusted to him. In the year 1701, he began his teaching of theology in Cesena, with the same zeal and with the same progress of his students; and it is said that he frequently gave sermons to the people in order to defend the integrity of faith and morals, and that he obtained abundant results. In the year 1703, he was appointed to govern the monastery in Cesena, and, with the approval of the Bishop, he devoted the valuable work of his ministry, both within and outside the cloister.

[*Latin ed. p. 434*]

Acts of the Apostolic See - Official Commentary on the proceedings carried out in the dioceses of Lauretana and Gingulana. It is also necessary to mention the particular devotion with which the Servant of God utilized the monasteries of nuns and religious women, so that they might continually advance in virtue to virtue in the perfect communal life. Having completed his term as superior, he was chosen by the General Vicar of the Order to be a visitor of monasteries. Subsequently, he went to Mediolanum, where, in the monastery of Saint Mary of Graces and in another called Saint Rose, he diligently fulfilled the office of preaching. Supported by the authority and counsel of the bishops, he traveled to other cities of Italy, namely Neritum, Pisaurum, and Neapolim, where he strongly urged the clergy to follow the custom of communal life, and gently attracted many to it. Having gone to Rome, the Servant of God was most graciously received by the Supreme Pontiff Clement XI, and when he reported on the propagation of communal life among the clergy, the Pope, with a most praiseworthy plan, approved it with his authority and followed it with an apostolic blessing. When the city of Troia in the Kingdom of Naples was deemed suitable for this purpose, Ludovicus Maria requested it, and, with the favor of Bishop Aemilius Cavalieri, he gathered several members of the clergy and seminarians to the institute of communal life, offering fervent prayers that they might persevere in this holy endeavor. While the worker of God joyfully gathered these sheaves of the harvest, he was afflicted by a deadly illness, which worsened, and, having devoutly received the sacraments of the Church, he fell asleep in the Lord, scarcely forty years of age, on August 20, 1709; and he was buried in the church of Saint Jerome in that same city. Meanwhile, the reputation for holiness which the Servant of God had acquired during his life has, since his death, increasingly shone forth until it has become necessary to initiate investigative inquiries concerning it. After these were completed and transmitted to the Sacred Congregation of Rites in Rome, and since, according to the law, nothing hindered the possibility of proceeding further, at the urgent request of the Most Reverend Father Ludovicus J. Panfani, the general postulator of the Order of Preachers, and with the attention of letters from certain Eminences of the Holy Roman Church, from several Most Reverend Archbishops and Bishops, as well as from Chapters,

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Orders, and religious Congregations, and from men of ecclesiastical or civil distinction, the following Cardinal, Anthony Vico, Bishop of Portua and Saint Rufina, in place and instead of the Eminent and Most Reverend Lord Cardinal Victorius A. Ranuzzi De Bianchi, Promoter of the Cause, in the assembly of the Congregation of Sacred Rites, convened on the indicated day at the Vatican, proposed the following question for discussion: Should a Commission be appointed for the introduction of the Cause and to effect what is intended? And the Eminent and Most Reverend Fathers, after the report of the aforementioned Cardinal Proponent, having heard the Reverend Father D. Angelo Maria Fidei.

[*Latin ed. p. 435*]

The Holy Congregation of Rites, after careful consideration of all matters, deemed it necessary to write: If it pleases the Most Holy [Pope], the Commission for the introduction of the cause should be signed. August 7, 1917. With all of the above, these were presented to the Most Holy Lord, our Pope Benedict XV, through the undersigned Cardinal, Pro-Prefect of the Sacred Congregation of Rites. His Holiness, having approved the rescript of the same Sacred Congregation, deigned to sign with his own hand the Commission for the Introduction of the Cause of the Servant of God, Father Louis Mary Calco, a professed priest of the Order of Preachers, on the 8th of the same month and year. Anthony Cardinal Vico, Bishop of Portuen and S. Ruf., Sacred Roman Church, Pro-Prefect. L. Alexander Verde, Secretary. II BONAËREN. DECREE FOR INTRODUCING THE CAUSE OF BEATIFICATION AND CANONIZATION OF THE SERVANT OF GOD, MARY ANTOINIA, BORN OF ST. JOSEPH. In the town of St. James of the East, within the boundaries of the diocese of Salta, in the Republic of Argentina, in the year 1730, the Servant of God, Mary Antonia, was born of a noble family of Paz y Figueroa. This blossoming flower, in barren soil, flourished like a green palm tree among the shrubs, her beauty of body enhanced by the beauty of her soul. Little is known of the beginnings of her life, but it is known that Mary Antonia preferred solitude and prayer to childish games, and she assisted her neighbors, especially the poor and afflicted, with a sense and act of simplicity and charity. At the age of fifteen, she dedicated herself to God, and at almost the same time, she gathered a group of select young women, who, without a certain rule, under the name of that kind, dedicated themselves to divine service through Christian virtues and evangelical counsels. The work begun prospered, but immediately a most sad event occurred. For the members of the Society of Jesus, who, with much labor and over a long period of time, had evangelized those regions, as well as other colonies of the Spanish kingdom in Asia, Africa, and America, were banished on July 5, in the year 1767, to the great detriment of civil

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society and the Catholic faith.

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis - Commentarium Officiale. The all-powerful and merciful God, "who chose the weak of the world, that he might confound the mighty," by paternal providence, raised up Mary Antonia from the feminine sex. Instructed by the documents of Saint Ignatius of Loyola, and a spiritual daughter and disciple of his students, she, like another Ruth gathering the remaining ears in the field after the harvest, collected, and prepared and offered to religion and to her country the chosen food of good works. Moved by divine inspiration, she resolved to restore the work of those who had suffered losses due to the prescriptions of the Society of Jesus, to support their efforts with all her strength, and with the help of God. To carry out this plan, with the consent of her confessor and the approval of the Bishop, together with the civil governor, she obtained not only the necessary and appropriate means, but also the most extensive letters of commendation, so that both ecclesiastical and civil authorities would lend their favor, protection, and support to this pious work. Thus, the handmaid of God, in her native town, clothed in humble garments, with bare feet and carrying the image of the Crucifix, exhorted the people to repentance through her words and example. Helped by pious priests and devout women, whom they call "Sisters of the Piarists," she renewed the courses of instruction, and also established a house built to promote the Christian life and perfection of her fellow citizens. It is also fitting to note that, in those difficult times, amidst the scarcity of resources, the anguish of the soul, the attacks of enemies, the mockery of the ignorant, and the hesitations of the fearful, neither the pious work nor the invincible woman lacked human and divine support. Strong men were also present, who vigorously defended the zeal, virtue, and work of the Handmaid of God, and turned the resistance and fear of men into veneration and admiration, among whom was Father Diego Toro, former provincial superior of the Order of the Most Holy Virgin. Strengthened by these auspicious beginnings, Mary Antonia undertook apostolic journeys from the year 1775 to the year 1779, traversing vast regions, namely Tucuman, San Miguel, San Fernando, De Gatamares, Bivia, Corduba, where she established courses of instruction for the Piarists, according to the order preserved by the members of the Society of Jesus and described in the golden book of their Holy Founder. During this time, the handmaid of God, having returned to her native town, devoted herself primarily to reviving the observance of good morals and the fervor of Christian piety among her people and her companions. From there, she traveled to the principal city of Buenos Aires, which is about three thousand three hundred paces from San Jacobo de V Estero, passing through almost deserted places, and evangelizing the inhabitants of the villages she encountered, as if she had reached the goal of her journey. In

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this metropolis, the apostolic work of religion and charity, through the zeal and labor of the Handmaid of God, with the help of priests and lay people, and primarily guided by Divine Providence,

[*Latin ed. p. 437*]

The Sacred Congregation of Rites reports that S. [Holy] increased to such an extent that the entire city was quickly brought to the height of Christian citizenship and piety. There, in the year 1780, in the month of August, with the approval of the Bishop, Mary Antonia founded a house for spiritual retreats, which on January 13, 1784, was adorned with the highest praise and approval by the same Bishop Sebastian, who was then promoted to the Archbishopric of Compostellanum in Hispania. From the records of the informative process, it is clearly evident that from its founding until the year 1788, that house received more than seventy thousand people for the purpose of making sacred retreats, and that the handmaid of God, entirely devoted to the glory of the divine and the salvation of mankind, never worried about temporal goods for the support of her work, but generously experienced the truth and virtue of the words of Christ the Redeemer: "Seek first the kingdom of God and his justice; and all these things shall be added unto you." After the handmaid of God had seen her work progress successfully in the city of Bonaerensi, she also considered extending it to the eastern part of the region, which is called Rio de la Plata. Although advanced in age and weary from labor, yet, with the permission of the Bishop and the royal procurator, she undertook a difficult journey in the year 1784, and first established a house in Colonia of the Most Holy Sacrament, and afterwards resided in the city of Montevideo for three years; in these places, she wished to open courses of instruction. At the urgent request of the citizens of Bonaerensi, she was recalled to their city, and with their counsel and assistance, she helped in the construction of a house which, through the generosity of the citizens themselves, was added to an existing building, so that it would be dedicated to a separate place for women to be brought back from the bad path and led to good and Christian morals. This second work greatly increased the benefit and reputation of the institute and of the handmaid of God and her Sodalities in that city. In the last five years, from the erection of the aforementioned house until the death of Mary Antonia, few documents exist, except that she, as if forgetting her own illnesses, with constant zeal and diligence, worked for the salvation of the bodies and souls of those women, confidently awaiting the reward promised by the Lord. Feeling that it was near, she gave her last instructions and advice to her Sodalities with maternal affection. Soon, afflicted by a deadly disease and strengthened by the sacraments of the Church, she breathed her pious soul on March 6, 1799, at the age of sixty-one; and her remains, after a proper funeral, were religiously placed in a designated tomb. Therefore, the fame of holiness, which the handmaid of

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God had acquired in life, after her death, has become increasingly clear and widespread to this day, and the informative process concerning her was constructed and completed in the ecclesiastical court of Bonaerensi, and sent to Rome to the Sacred Congregation of Rites. Hence, in accordance with the order of law, and since nothing prevents further proceedings, at the urgent request of the Most Reverend Father Camillo.

[*Latin ed. p. 438*]

Acts of the Apostolic See - Official Commentary 438. Beccari, a member of the Society of Jesus and advocate for this cause, having carefully considered the petitions from the Roman Archbishops of Buenos Aires, Montevideo, St. James of Chile, and other sacred prelates, as well as from numerous Chapters, Orders, and religious Congregations, and also the suppliant prayers of the entire clergy and people of the Republic of Argentina, especially the citizens of Buenos Aires, His Eminence and Most Reverend Cardinal Vincent Vannutelli, Bishop of Ostia and Palestrina, Dean of the sacred College, and Promoter or Relator of this cause, in the meetings of the Congregation of Sacred Rites, convened on the designated day at the Vatican, proposed the following question for discussion: Should a Commission be appointed for the introduction of the cause, in this case and to this effect? And His Eminence and Most Reverend Fathers, after hearing the report of His Eminence the Promoter, and after hearing the voice and written opinion of the Reverend Father D. Angelo Mariani, Promoter of the Faith, having diligently considered all matters, they judged it fitting to write: That a Commission should be appointed for the introduction of the cause, if it pleases the Most Holy. On August 7, 1917. Subsequently, a report on these matters was made to Our Most Holy Lord Benedict XV by the undersigned Cardinal, Pro-Prefect of the Congregation of Sacred Rites, and His Holiness, having approved the decree of the same Sacred Congregation, deigned to sign with his own hand the Commission for the introduction of the cause of the Servant of God, Mary Antonia of St. Joseph de Paz y Figueroa, on August 8, of the same month and year.

[Signature] A. CARD. VICO, Bishop of Porto and St. Rufina, Pro-Prefect of the Sacred Rites.

[Signature] L. F.B. S. Alexander Verde, Secretary.

[*Latin ed. p. 439*]

The Holy Congregation for Seminaries and for Universities of Studies, concerning the presentation of the new Code of Canon Law in schools. Since the Most Holy Pope Benedict XV has decreed that the new Code of Canon Law will have force throughout the entire Latin Church from the feast of Pentecost of the year 1929, it is clear that from that very day the Code will be the authentic and sole source of Canon Law, and therefore it must be used as such both in governing the discipline of the Church,

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and in judgments and in schools. Therefore, it is necessary, especially for clerics, to know the Code thoroughly and to have it completely in view. Thus, this Holy Congregation, in order to provide for the proper instruction of students in a matter of such importance, commands and directs all Universities of Studies and Canon Law Lyceums, which, according to canon 256, § 1, are subject to this Holy Congregation, that in the school, the aforementioned text, in which Canon Law is thoroughly and abundantly explained, be used henceforth in such a way that students, not only receive a synthetic presentation of the Code, but are also guided, through a careful analysis of each individual canon, to understand the Code as if by hand: that is to say, the teachers, when expounding Canon Law, must interpret each canon with diligent explanation, strictly observing the order of the Code and the series of titles and chapters. However, these same teachers, before addressing any legal institution, must suitably explain its origin, and what developments, changes, and modifications have occurred over time, so that the students may acquire a fuller knowledge of the law. Furthermore, no book other than the Code shall be used with the students; if the teachers deem it appropriate to use one particular book, this must be carefully maintained, so that the order of that book does not conform to the order of the Code, but rather that book is adapted and accommodated to the Code.

Rome, from the offices of the Holy Congregation for Seminaries and Universities of Studies, on the 5th of July, in the year 1917.

CAIETANUS CARD. BISLETI, Prefect.

L. ffi S. Joseph Rossino, Substitute.

[*Latin ed. p. 440*]

Acts of the Apostolic See - Official Commentary 440

ACTS OF THE SACRED PENITENTIARY TRIBUNALS

APOSTOLIC PENITENTIARY

SECTION ON INDULGENCES

DOUBTS CONCERNING PRIVILEGED ALTARS AND MISSES CELEBRATED THEREIN

The following doubts were proposed to the Sacred Apostolic Penitentiary:

"1. Can the privilege of an altar be applied to several deceased persons, for whom the Mass is celebrated?

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"2. Can perpetual obligations of Masses be received for the celebration of Masses at a privileged altar?"

The Sacred Tribunal, on July 3rd, in the year 1917, judged that the following should be answered:

"To the first question: No, as has already been decided by the Sacred Congregation of Indulgences, by the decrees of February 29, 1864, and June 19, 1880.

"To the second question: They can be received, provided that the number of Masses, both those established and those offered, is such that it can be conveniently fulfilled."

And in an audience, signed on the aforementioned day, imparted to the undersigned Cardinal Penitentiary Major, the Most Holy Lord Pope, Benedict, of Divine Providence, Pope XV, approved these answers in all respects, and ordered that they be made public law.

Given in Rome, in the Sacred Penitentiary, on July 6, 1917.

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WILLIAM CARDINAL VAN ROSSUM, Major Penitentiary.

L. © S. F. Borgongini Duca, S. P. Secretary.

[*Latin ed. p. 441*]

In the Sacred Roman Rota at Milan, on the 1st of August, in the year 1916, during the happy reign of Pope Benedict XV, in the second year of his pontificate, the Most Reverend Fathers, Doctors Frederick Gattani-Amadori, presiding, Peter Rossetti, and Raphael Chimenti, Auditors from Tournon, in the cause at Milan: Concerning the nullity of the marriage between Mary Ambrosini-Spinella and Julius Garibaldi, represented by their respective legal advocates, Dominic Niti and Philip Pacelli, with the Defender of the Sacred Bond participating and arguing in the cause, rendered the following definitive judgment.

Mary Ambrosini-Spinella, born into a wealthy and honorable family in Milan, was raised from her earliest years in the practice of religion, and even as a young girl, in a monastery which takes its name from Saint Ursula, she was instructed in the best principles, possessing a simple, very timid, and home-loving nature, entirely averse to all worldly pleasures. Orphaned by her father, she was always most devoted to her mother, and so attached to her that she could never be separated from her. Such was she when, at the age of 34, she was asked to marry Julius Garibaldi, a leader of cavalry in the Italian army (who was then 40 years of age). Therefore, the request was not immediately accepted, but Mary's mother urged her to receive him in her home. Meanwhile, she began to inquire about Julius, but difficulties arose when she received, especially through anonymous letters, information that he had led a dissolute life and that he had no income other than that which he received for his service in the army. Mary was greatly afraid

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that Julius would be more interested in her dowry than in her; but the anxieties that troubled her were alleviated by several women who acted as marriage counselors, and they so persuaded her that they overcame her reluctance and induced her to consent to the marriage. Therefore, in October of the year 1907, according to the custom, the betrothal was celebrated, and after four months, that is, on the 8th of February, in the year 1908, the marriage was celebrated before the parish priest of the metropolitan church of Milan. But Mary, who had always been hesitant, did so with some apprehension.

[*Latin ed. p. 442*]

442 Acta Apostolicae Sedis - The official records show that she contracted a marriage and on the very day of the wedding, she caused sorrow to everyone. Afterwards, she began a life of pleasure with her husband, but she so distanced herself from him that the manner of her conduct greatly displeased her spouse. Finally, the couple returned to Milan, to the mother of the bride, and sometimes Julius prepared the house for himself and his bride; but the woman refused to follow her husband, and neither persuasion nor prayers, nor even the entreaties of other people, to whose aid Julius had resorted, could dissuade her from her purpose. Therefore, the couple first obtained a legal separation from the civil court of Milan, which they called a "personal" separation; then, by mutual agreement, having adopted Hungarian citizenship, Julius instituted a lawsuit before the court of Urbis Fluminis, in order that it might declare that there was no marriage between him and Maria, because she had abandoned him; which was granted by a judgment on November 11, 1911. When, without any appeal, this matter passed into a final judgment, the court of appeals of Milan also recognized its civil effects, by a judgment rendered there on March 7, 1912, which was recorded in the marriage book of that city. Afterwards, Julius, in order to free himself and his wife from the sacramental bond, made an appeal to His Eminence, the Archbishop of Milan, accusing his marriage of nullity, due to a grave fear of the sacred, which Maria had experienced; to which petition Maria adhered with all her heart, stating that she had not experienced a fear of the sacred from her mother, but from those women who had encouraged her marriage. The court of Milan, having heard the case, on August 22, 1914, rendered a judgment declaring this marriage null and void due to the cause of fear. But the defender of the sacred bond before the court of Milan appealed to this Holy Tribunal, which, on April 8, 1915, with the Most Reverend Dean of the Sacred Roman Rota presiding, decreed that there was no reason to declare this marriage null. In turn, Maria Ambrosini Spinella appealed from this judgment and requested additional evidence. Therefore, after the evidence had been gathered, the case is presented to Our Turn for judgment in the third instance, under the usual form of inquiry: Whether the judgment of the Sacred Rota of April 8, 1915, should be

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overturned or confirmed in this case. And so it is. - The manner in which the marriage between Maria Ambrosini Spinella and Julius Garibaldi was established is described by Maria herself as follows: "The first contact I had with Mr. Garibaldi was at my first meeting with him, when he appeared, to my great surprise, at my home, under the pretext of searching for the lady Elisa Buttafava, who had come to visit us with two other ladies, whom we did not know, and who I later learned were her mother and sister, respectively."

[*Latin ed. p. 443*]

"Signora, un signore è venuto." Questo avvenne nel marzo del 1907. Premesso ciò, inizio a osservare che questo fatto era l'indizio dei propositi e dei tentativi del signor Garibaldi, il quale si era prefisso di sposarmi. A tal fine, egli si era servito della signora donna Elisa Buttafava, la quale, in seguito, chiamò a coadiuvarla nell'opera la signora donna Rina De Capitani, vedova Piantamela; e fu in seguito a quella prima visita, che la nobile signora Buttafava faceva le proposte di matrimonio a mia madre, la quale rispondeva che non le pareva l'individuo adatto e che io stessa non pensavo ad accasarmi. Successivamente, l'insistenza della signora Buttafava presso mia madre, unita ai grandi elogi fatti del signor Garibaldi, finì per far cedere mia madre, la quale, presente la stessa signora, mi chiamò annunciandomi la proposta, che mi si faceva. Io immediatamente rispondevo che non ne volevo sapere, sia perché non avevo intenzione di accasarmi, sia perché sentivo repugnanza per i militari, e poi anche perché mi avevano descritto il signor Garibaldi come un uomo molto brillante in società. La signora Elisa Buttafava allora si mise ad insistere di tutta lena, perché almeno lo lasciassimo venire in casa, onde conoscerlo. Alla quale proposta mia madre non seppe resistere, tanto più che l'avevano persuasa che questo sposo era il più opportuno per il mio caso. D'allora, il signor Garibaldi cominciò a venire in casa alla sera. Io non posso dire che vi sia stato fidanzamento fra noi, perché, date le insistenze continue da una parte e dall'altra, io mi sono trovata legata senza volerlo. Durante questa specie di fidanzamento, non mancarono dei dissapori, poiché il signor Garibaldi diceva che io ero fredda e di ghiaccio con lui. Nel mese di ottobre dello stesso anno, il signor Garibaldi mi fece dono di un anello, che io accettai, non portandolo quasi mai, tanto da esserne rimproverata. È necessario che io spieghi il mio stato d'animo a questo proposito. Se io fossi stata più esperta del mondo e meno suggestionata da loro, non avrei dovuto accettare questo anello, ma devo confessare che, negli ultimi mesi, io mi trovavo quasi in uno stato d'incoscienza. Capivo che avrei dovuto avere l'energia di troncare tutto, ma il pensiero di far parlare di me, e il sentire che continuamente mi dicevano (le signore Plantanida e la Garibaldi, sorella dello sposo) di guardare bene a quello che io facevo, ritirandomi, perché ormai tutta Milano ne parlava, e perché io inoltre avrei rovinato quel povero uomo materialmente e moralmente,

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perché egli, dato uno scacco, avrebbe dovuto abbandonare l'azienda ed allontanarsi da Milano; ed infine, avrei cooperato a far morire di dispiacere i vecchi genitori di lui. A questo punto, devo anche ricordare che i suoi lamenti sul mio...

[*Latin ed. p. 444*]

444 Acta Apostolicae Sedis - Commentarium Officiale: "The eagerness and haste with which he proceeded to the marriage caused the negotiations to 'founder' for a moment. At this juncture, one day, the Lady Plantanida urgently summoned me from my home in her carriage, to take me to an unknown destination, preparing a trap to get Mr. Garibaldi into the carriage, despite my protests, with the words: 'But madam, look at what you are doing!' to which she replied: 'Let me handle it, for one day you will thank me.' In this way, I found myself entangled in the scheme worse than before. Thus, it came to February 1908, the time of the marriage contract. The contract was drawn up by the notary Mario Bordini, residing at Via Broletto, no. 39, in the presence of myself, the groom, and my mother. I must confess that, given the state of my mind, I no longer knew what to do, and I was even reduced to a state of poor health due to these conflicts, as can be seen from the letters I am attaching, in which my illness is mentioned. I say sincerely that if they had led me to the scaffold, I would have gone there with the same tranquility, because I no longer understood anything. To expedite the marriage, the groom obtained a dispensation from one publication. The witnesses to the consent were Mr. Don Enrico Buttafava and the noble lawyer Giuseppe De Capitani d'Arzago, close friends of the groom. From what I have said, it is evident the malevolent influence that Lady Plantanida had over everyone else in this affair. I also declare that I have never been able to explain this excessive interest and her insistent pressures in that lady, nor do I know the reasons and causes of her plans with Mr. Garibaldi, all to his favor."

Then the judge questioned her: "Tell the witness if there were any other people, besides those you indicated in the previous interrogation, who exerted influence on your marital consent, and who were they?" To which she replied: "Besides the people named, no one else had influence over me."

The defenders of the sacred bond then questioned her, asking if she knew that by marriage she would be bound to live perpetually with her husband, to which she replied: "I must preface that I knew nothing of the marital obligations, that I was between the hammer and the anvil, because on the one hand I understood my obligation, and on the other hand I found myself under the dread of the harm I would do to my groom by withdrawing. Certainly, I knew sufficiently that with my consent, I was binding my life to that of my husband."

And then: "I felt the obligation to fulfill my duty, once I had been married, and if there had not been the subsequent troubles, I would have remained

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with him, accepting my destiny."

[*Latin ed. p. 445*]

Saint Boman Bota 445. Concerning the events that followed the marriage, the actress recounts: "As soon as I found myself alone with my husband on our honeymoon, I immediately realized that I would have to deal with a strange and domineering man. Without any reason whatsoever, he would have inexplicable outbursts, shouting, repeating phrases such as, 'Our characters are not compatible,' 'Your house is your house, and mine is mine,' 'I am going to stay at my parents' house,' and similar things. Often, he would threaten to jump out the window... The honeymoon, which lasted a month, was nothing but a series of similar outbursts. Indeed, after the sea crossing from Naples to Palermo, during which he suffered greatly, his character worsened considerably, so that I can truthfully say that my life with him, until the end of September, was nothing but a succession of acts of tyranny and outbursts; and all this despite the fact that, both out of shyness and out of a sense of duty, I was always the first to apologize and to try to appease him in everything, as I always was in my conjugal duties, even when it cost me repugnance and suffering. Towards the end of September, while I was staying with my mother, she, having noticed the absence of her son-in-law and some disagreements, encouraged me to reveal my feelings, recounting the painful story of his mistreatment. It was then that, frightened at the thought of returning to him, and on the other hand, constantly threatened by the interference of the Signora Plantanida, who repeated that if I did not return to my husband, he would commit suicide, I resolved to go to Monsignor Balconi to ask for advice. Subsequently, through lawyers, I turned to the Tribunal, which decided on a separation *de facto*, with decree dated February 8, 1909." She concludes her testimony by saying: "My husband presented no physical repugnance to me; I resigned myself to him, as to my destiny, hoping that his character would change and that I might have a more peaceful life." The actress's testimony is corroborated by that of her mother. When questioned by the judge about how the marriage agreement of her daughter had taken place, she replied: "The Signora Buttafava came to my house to make the formal request for marriage for my daughter, on behalf of Captain Garibaldi. The first response was negative, citing the reason that the Captain did not seem, for various reasons, suitable for my daughter; however, I added: 'I cannot decide about the will of my daughter, because she is already of age and has her own judgment.' The Signora Buttafava spoke directly with my daughter about this proposal, and subsequently besieged her, calling her to Milan..."

[*Latin ed. p. 446*]

446 Acta Apostolicae Sedis - Commentarium Officiale: "From Gernobbio, the Lady Plantanida also came, so that she might assist [my daughter].

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The Lady Plantanida had known the Captain for 22 years, and the Lady Buttafava for 12 years, and this explains the zeal that they demonstrated in arranging this marriage. From the first proposal made to my daughter in March, until its acceptance, which occurred towards the end of October, my daughter Maria can say that she was always opposed, because, it seems, she could not bring herself to such a step. And this despite the frequent solicitations to which she was subjected by the intermediary ladies, notwithstanding the frequent visits to the house and the walks to which they took her, and their constant pressure for her to accept. I say pressure, and not without reason, because those ladies, Plantanida, mother and daughter, even had the audacity to go to the notary to urge the matter in their favor. The consent of Maria to the gentleman Garibaldi, for the future marriage, was given, I believe, on October 17th, in my presence, and the following day the Captain came to deliver the ring to my daughter, who accepted it, but without enthusiasm... These negotiations suffered several setbacks. The first occurred with the request for the publication of the marriage in the civil registry, brought about by the fact that the Lady Plantanida, having learned of the notarial act prepared according to our intentions, in order to better secure the interests of my daughter, given that the Captain was penniless, hastened to prevent the continuation of the negotiations. Subsequently, there were other disagreements, which were kept hidden from me, in order not to cause me displeasure. In any case, I know nothing more, because I did not attend either the religious or the civil marriage, nor did I go to the station for their departure. I was told that my daughter Maria went to the altar like a condemned person. I cannot say that my Maria was absolutely opposed to this marriage, but I must say, in conscience, that she suffered the evil influence of the Lady Plantanida. I must also add that my Maria was not, in general, nor in principle, opposed to a marriage of affection: this became evident to me even in the case of other proposals made to her, which ultimately failed, because she said on those occasions: "I do not want to unite myself with a man whom I do not know, and who does not please me." Then follows: "Although I desired to see my daughter settled in a good marriage, I must also say that I never exerted any pressure on her to marry the Captain. Indeed, as I have already said, I did not think that he was the right man for my daughter, neither for her character nor for her habits, which were those of a man of gallantry and society. The people, however, who pushed her to..."

[*Latin ed. p. 447*]

S. Bomana Bota 447: "This marriage, I do not yet know for what purpose and interest, involved the Lady Buttafava and the Lady Plantanida, mother and daughter, who took advantage of her weakness and timidity. I do not believe that their pressures reached the point of a threat, but certainly they must have instilled great fear in the weak and timid soul of my daugh-

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ter, when, for example, the Lady Plantanida, the mother, addressed these words to Maria: "If you hear the bell ring, prepare yourself, because it will be the signal that the captain has committed suicide."

Now, listen to what Julius Garibaldi recounts regarding the marriage contract: "It seems to me that in April, I made the official request to the Lady Carlotta Ambròsini for the hand of her daughter. And she, receiving my request very favorably, replied that she would speak with her daughter and would then give me an answer. At the end of May, having received no answer whatsoever, despite my repeated solicitations, I officially withdrew my proposal and left Milan, retiring to the Villa Capo di Strada, near Pistoia, where my parents were. Then began the letters from the daughter, which she wrote on behalf of the mother, which was the custom of the house, addressed to my sister, in order to make me retract from my refusal and resume the negotiations. Little by little, the negotiations were resumed with the mother (as will appear from the letters that I intend to attach to this interrogation in numerical order). (However, the letters were not shown.) This period of resumed negotiations lasted two or three months, which was the duration of my stay in Pistoia... Returning, in September or October, to Milan, I believe that I presented myself in person at the Ambròsini house to resume the negotiations, and the mother again assured me that she would think about it and would try to persuade her daughter. Indeed, a few days later, the engagement took place. This act was carried out in the presence of the mother, the daughter Maria, and myself. The mother instructed the girl to give me her hand, which I did, and I bent down and kissed her on the forehead. The girl remained as she always was, very cold, very reserved, and, I would say, passive. The mother, Carlotta Ambròsini, insisted that the notarized contract be drawn up, and she refused two notaries that I proposed, insisting on having her own notary, Dr. Bordini. The document was drawn up, which contained a clause that was one of the most humiliating for a man, namely, the renunciation of the article of the Civil Code that gives marital rights to the man. When this document appeared, I and the Cavaliere Cesare Plantanida were immensely surprised (from whom Julius was assisted in the marriage contract), and we were on the verge of breaking off the marriage negotiations. But the mother said that it was a mistake of the notary, that..."

[*Latin ed. p. 448*]

448 Acta Apostolicae Sedis - Commentarium Officiale: "She had misunderstood. The gentleman, Cesare Plantanida, mentioned a new "draft of the contract, which was accepted. Then, in order to finally resolve this dispute and arrive at the decisive act, it was decided to proceed with the marriage banns, after reviewing the notarized document as modified. Present at this act were the noble commissioner, advocate Giuseppe Capitani d'Arzago, the lady Rina de Capitani d'Arzago, widow Plantanida, the doctor, no-

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ble Enrico Buttafava, and the lawyer, notary Eugenio Ambrosini-Spinella. Upon reading the notarized document, it appeared to be a second edition of the first document, with only some words changed, but nothing substantially had been altered. Then it was declared that the marriage could not be performed. The son immediately went to inform his mother, who immediately sent him away, because she repeated that the mistake was the notary's, and that nothing could be attributed to the family, and therefore it was necessary to proceed with the marriage. Indeed, the document was changed, and the final document was signed, even by the lady Ambrosini, who, from beginning to end, throughout all of this, was always of an astonishing passivity. She was an automaton moved by the will of her mother."

"Furthermore, she asserts that the cause of the fear under which Mary contracted the marriage was her mother; and then she recounts what followed the marriage; but she says: "... And throughout the time that she lived with me, she showed herself to be so cold and apathetic, that one day in Piazza del Duomo, number 21, I told her that it was better for a man to jump out of a window than to live with such an apathetic person."

"Since the plaintiff accuses only three women, namely, the lady Elizabeth Buttafava, Alexandrina Plantanida, and Aloisia Garibaldi, the bride's sister, the testimonies of the first two, who were questioned in court regarding the matters of which they are accused, must be presented; for Alexandrina Plantanida and her daughter have been contumacious. Elizabeth Buttafava, questioned by the judge as to what part she took in the marriage negotiations between Mary and Julius, responded: "The part that I took in the marriage negotiations was this: Captain Garibaldi, very desirous of getting married, repeatedly turned to me... It so happened that Captain Garibaldi came to know that his "stage companion (at the theater) had a sister, and then he besieged me, in order that I might introduce them to each other; to which I replied, in the presence of my son, that Miss Mary Ambrosini was not at all suitable for him, for his tastes and for his character. But his persistence was such that it obliged me to accept the task of at least making the proposal to the lady Ambrosini, her mother. I indeed went to her, introducing myself by saying: "An ambassador does not bear punishment," and I expressed to her..."

[*Latin ed. p. 449*]

S. Romana Rota 449 "by the desire and intentions of Mr. Garibaldi. My proposal was "received quite well by the Lady Ambrosino, because her own son "had also spoken of the Captain to her, and with great sympathy, and she was "also pleased to learn that Mr. Garibaldi was an acquaintance and friend of "my son Enrico, who lived with me. After this step of mine, I "withdrew a little to the side, and I learned that the Captain had found a way to "enter the Ambrosino house and continue the conversation directly... "In the visits that we exchanged afterwards, I recall that, once "or

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twice, Lady Ambrosino, in the company of her daughter, came to "tell me that she was very distressed by several anonymous letters, which "she had received, which were very unfavorable to the Captain; on this "occasion, then, I myself (who, when making her the proposal of such a "marriage, had not failed to make it clear to her that the Captain had "nothing but his pure pension in the financial order), with the same "frankness, told her that, in the face of such letters, she not only had "the right, but even the absolute duty to investigate the matter; I also "added that it did not matter to me at all that she, when speaking with "the Captain about the matter, repeated my advice; later, on other "occasions, I noticed that there were disagreements between the "spouses for reasons of interest, and on such occasions I repeated to "the Ambrosino family what I had already told them before, namely: that "the Captain could not dispose of anything but his meager pension of "three thousand lire. On this occasion and on a few other occasions, I "felt the need to repeat to them that, in the face of these disagreements "and differences of taste, the best advice I could give, and that I "would also give to my own daughter, was to end it all. Lady Ambrosino "responded that things had gone too far by now, and after that, they "left me alone, to my great satisfaction. However, the Captain came to "see me several times afterwards, and he told me about his negotiations "that were continuing, sponsored by other ladies, such as Mrs. "Plantanida Alessandrina, to whom I certainly would never have dreamed "of entrusting such a task. I have always, in the end, shown "opposition to the Captain's marriage. I add that Lady Plantanida "told me: "You are too timid, you stop too much at the first doubts, you "will see that things will go well afterwards." I replied: "You will have "more luck, but the important thing is that the spouses are happy "afterwards." Shortly before the marriage, I recommended to the "Captain's sister, Lady Luigia Arrigoni, to do good work because the "marriage should not be contracted, because I foresaw evil from it." Cum autem quaesitum esset a iudice, utrum Maria libere vel sub metu ACTA, vol. IX, n. 9. — 1-9-917. 29

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis - In the official commentary on marriage, it is stated that, in response to the question of whether the lady Ambrosini had given her consent to the marriage, it was answered: "I cannot say whether the lady Ambrosini married freely, or otherwise, because I have not seen her since; and therefore, I have not been able to make any observations in this regard. I can add that after the marriage, the lady Maria Ambrosini, coming to see me one evening, after having had a distressing scene with her husband, in response to my question, which I put to her in these terms: "But in the final analysis, if you married him, it is a sign that you loved him; therefore, endure a little of his harshness of character," she replied: "I married him out of compassion." Furthermore, my personal conviction,

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regarding the consent of Maria Ambrosini, is this: that she proceeded out of necessity and for social convenience." Then she said: "In this matrimonial matter, I have observed such diverse contradictions in her behavior and expressions, that I would not dare to say that the lady Maria Ambrosini, when marrying, did not act according to her own will. Indeed, in those few last visits that I had with them, on the occasion of having received most unfavorable anonymous letters against the captain, I found the lady Maria sometimes sincerely attached to her husband, and sometimes fearful of continuing the relationship, due to the impressions she received from the anonymous letters... I add that I do not know of any pressures that were exerted on the lady Maria Ambrosini to push her into the marriage. I do not know if, in the lead-up to the marriage, it was said that withdrawing would almost be a public scandal, because all of Milan was already talking about that marriage; however, if these things were said, I am convinced that they could have had some influence on the lady Maria, because of her timid nature." Aloisia Garibaldi, widow Arrigoni, sister of Julius, who is also accused by Maria Ambrosini-Spinella of having instilled fear in her, is to be heard. She, in response to the judge regarding her part in the marriage of the actress, replied: "I knew the Ambrosini-Spinella family a year before my brother's marriage. My visits to the Ambrosini house were very frequent, especially during the winter, when the family was visited two or three times a month. I was always well received by the ladies Ambrosini, mother and daughter, who received me with great warmth and courtesy and kisses, insisting that I return often to see them. The lady Maria Ambrosini, in the intimacy of our friendship, confided to me her hesitations regarding the marriage with my brother: she knew that she was not beautiful, she feared that she would not be interesting enough to my brother, and..."

[*Latin ed. p. 451*]

Saint Bonaventure, Book 4, Chapter 51: "I was therefore concerned that my brother might marry her out of self-interest. When the holidays arrived, my brother wrote to me that he had become engaged, and that the lady Mary had been persuaded to accept his proposal, through the influence of her mother. After the holidays, I saw her again, and I found that she, now engaged, felt bound, but that her hesitations still remained... I must note that in the time leading up to the marriage, there had been some disagreement between my brother and her mother, the lady Ambròsini, and that therefore, the bride's anxieties intensified, due to the doubt that future discord could arise... The lady Mary loved my brother, but she was afraid to get married. And there was a moment when the negotiations seemed to be breaking down, so much so that my brother, faced with so many anxieties caused by financial reasons, one day said to the bride: "Well, we will have the marriage for Easter," meaning thereby to abandon it. It

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was then that she replied: "Very well, for Easter." I then spoke to the lady Plantanida, who made efforts to reconcile them. It is understood that I was saddened that the marriage would not take place. This motivated me to persuade the lady Mary to accept my brother's hand; a persuasion that I sought to instill, saying that she should disregard her fears, that my brother would be a good husband, also because he was devoted to his parents. I never used harsh words with her: only once did I say: "If you do not want to get married, then do not, for you are still in time." But when the judge questioned a witness, asking: "Did she ever insist that she accept the marriage, hinting at the serious consequences of her refusal?" she replied: "I thought to myself about the serious consequences of this marriage if it failed, and this was also one of the reasons why I desired that the marriage take place; but I do not remember ever saying anything similar to the lady." Furthermore, I observe that my father and my mother never had direct dealings with the bride. I cannot say who had the greatest influence on the lady's decision to marry, because they were all somewhat trying to persuade her, except for the lady Buttafava, who came to me on the eve of the wedding, because she did not want it to take place, but I replied to her that it was too late. Finally, I add that the bride's hesitations also arose from the fact of anonymous letters received against my brother." The actress furthermore presented some letters, sent to her, before the marriage, by the aforementioned witness, as well as from Alexandrina De Capitani, widow.

[*Latin ed. p. 452*]

The Acts of the Apostolic See – Official Commentary. In these documents, there are entirely lacking either threats or other things that could inspire great fear, although there are not lacking kind words, which Aloisia Garibaldi especially uses to encourage Mary's marriage. Thus, for example, Aloisia writes to Mary: "... I recommend calmness and patience, and above all, serenity of mind: do not let yourself be discouraged." And Alexandrina Plantanida: "... I repeat to you, while I understand your struggles, push these matters forward so that these publications are made, because this state of uncertainty ruins the morale and the health of G.... If she did not have a strong mind and a great heart... believe me, someone who did not wish you well would have already taken advantage of the situation. Therefore, you are now the one who must decide; you are no longer a child, and one day you will thank me," etc. Alexandrina de Capitani, see Plantanida, and her daughter Maria Nessi-Plantanida were called to court three times to give testimony concerning those things about which Maria Ambrosini was accused, but both were contumacious. Besides the testimonies previously mentioned, nineteen other witnesses were heard, but none of them testified to anything of great importance. All agree in praising the virtues of Maria Ambrosini-Spinella, of whose character, however, they

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assert that she was timid and weak; and all confirm that, up to the celebration of the marriage, she was uncertain and hesitant, and was led to it by the persuasions of others. However, no witness knows that the mother of the actress, through persuasions or prayers, or in any way, influenced the daughter's marriage; indeed, several openly deny this. Thus, the witness Adelais Bertoletti, see Volpi: "The lady Ambrosini, the mother, was initially favorable, but then remained indifferent. Therefore, I exclude any pressure from the mother on the daughter's mind." She testifies that she was always hesitant: "To my solicitations, the lady would respond: 'But am I doing the right thing?' It seemed as if she were frightened. She repeated to me the doubt of being married for the dowry." Thus, likewise, the witness Lina Volpi in Broglio, the witness Adelais Lacrois-Malerba, and the witness Flaminius Binda, who said: "Based on my knowledge, for many years, of the people and events that preceded this, I believe that I can absolutely exclude that neither the mother nor the brother, the lawyer Pietro, ever exerted, or ever wanted to exert, any influence whatsoever on the respective daughter and sister, and even less any pressure on her, with regard to the advisability or inadvisability of the marriage, as others planned." Regarding the incitement that Mary claims she suffered from Elizabeth Buttafava, from Aloisia Garibaldi, and from Alexandrina Plantanida,

[*Latin ed. p. 453*]

5. The Roman Rota, in case 453, has heard that, in order to contract marriage, several witnesses know nothing at all, some have only heard about it from the aforementioned Mary, and some finally speak of their own knowledge. Mary Brera: "I have known the lady Mary Ambrosini-Spinella since we were both at the Ursuline College of St. Ambrose in Milan, and that is for more than twenty years, and since then I have always been on good terms with her... She is very easy to believe everything that is told to her, and she needs the encouragement of others to be guided, even in small matters. Therefore, I believe that she proceeded as if by fate; so that, by constantly hearing and being told that this step must be taken, she was led to take it, although I do not know by whom or how." Among the other witnesses, Adelais Bertoletti, the widow Volpi, and her daughter Lina, were more informed, as they were, at the time of the marriage, tenants in the same house as the family of Ambrosini-Spinella. The mother, Adelais, testifies: "I cannot say that she gave her consent spontaneously, because I know that she was urged by everyone, and even by me. However, she knew that with her consent, she would be bound to a man for life. I never noticed any spontaneous inclination of the lady Mary towards the groom, on the contrary, she seemed cold towards him. I do not personally know either the lady Buttafava, nor the lady Rina Plantanida; however, I have often heard the ladies Ambrosini speak of these people, as those who were facilitating the marriage negotiations." Lina Volpi-Boglio, daughter of Adelais:

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"My impression is that she was not happy to get married, indeed, she was very hesitant and uncertain. However, she never spoke intimately with me about her feelings towards the marriage; at every opportunity of marriage proposals, she was always afraid that she would be married for her dowry and not for herself. She did not speak to me of any repulsion towards Captain Garibaldi, while she always expressed the aforementioned doubt. I will also say that, the night before the wedding, she came to me crying to say goodbye, and she left me saying: 'I wish that the eve of your marriage is different from the one that is for me.'" The questioning judge: "Does the witness know of others who put pressure on the bride?" The witness replied: "I know that there was the Plantanida family, who sought every means to convince the lady Mary to marry Captain Garibaldi, assuring her that the outcome would be very happy, and trying to dispel any doubt or fear. I always found the lady Mary uncertain in her decision, to the point of even becoming ill."

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis - Official Commentary: "In good health; uncertain, both due to the character and the habits of the bridegroom, who 'feared that he would not be suitable for her.' These uncertainties were exploited by the Lady Plantanida and the friends of the Captain, in order to influence her opinion regarding the suitability of the marriage, even intimidating her by saying that 'her refusal would ruin the Captain for the rest of his life, forcing him to leave Milan, and would cause great sorrow to his already very old parents'; which, given Mary's good nature, was enough to lead her to the altar. Indeed, I add that, in such a state of mind, even if she had learned serious things about the Captain, she would not have had the courage to withdraw. Everything that I have said, I learned from the confidences that Miss Mary made to me."

Witness Ioannes de Simoni: "The pressures exerted were in the sense that the qualities of the bridegroom were magnified, and it was insisted, citing the convenience of the marriage, due to the advanced age of the mother, and the probability of her becoming an orphan and without support. I cannot add any other details, because, during the period of engagement and after the marriage, I did not frequent the home of the newlyweds. I only heard rumors of these pressures at the time of the disagreement that occurred between the newlyweds after the marriage."

Witness arch. Caesar Benito states: "I am certain that they tried to influence her in every way to decide her to accept a match, which they presented as very suitable for her, while it was not; however, I do not know of any pressures that were used to force her into the marriage..."

Furthermore: "It also impressed me greatly that the marriage was celebrated quickly and hastily, without allowing time for those courtesies that are customary in such circumstances. This, while surprising me greatly,

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gave me even more suspicion of pressure being exerted, as if the bride was fleeing and being seized."

Witness doctor Ioseph Terzaghi reports: "The Captain Garibaldi... told me that he found in his wife much coldness and excessive timidity, and that she was one of those souls who never have their own ideas, but rather those of whoever speaks loudest. However, I believe that it was not a case of serious pressures, of which I have no knowledge whatsoever."

Witness Adelais Lacrois-Malerba testifies: "I heard... her lament the insistence with which the Ladies Plantanida and Buttafava sought to persuade her to accept the match, exerting real pressure on her, by suggesting that the matter was now public and that she could no longer withdraw, without making a fool of herself, and by constantly staying by her side, even going so far as to go to pick her up in a carriage and then, in Piazza del Duomo..."

[*Latin ed. p. 455*]

On the 455th day, Captain Garibaldi was admitted. Miss Maria told me that in these circumstances, she no longer knew where she stood. In conclusion, I add that the character of this family is quite singular. The mother and children are people who are afraid of everything and always run away, and therefore, pressures have found a character that is weak, timid, fearful, and inexperienced in the world.

Witness Theresia Cattaneo, mother of Maria Ambròsini, who attended the marriage, recounts: "The day before the wedding, the couple came with my sister to ask me to be a godmother at the wedding... The impression that remains with me from that conversation is that my niece was neither enthusiastic nor repulsed at that point. In the meantime, between the announcement of the marriage and the invitation to be a godmother, I did not see my niece except once, when I went to my sister to ask what gift would be appreciated. On that occasion, I stopped for only a few moments, and my niece did not speak to me about her marriage, neither for nor against. On the morning of the wedding, my niece came to pick me up at my house to go to the town hall and then to the church. She waited for me at the foot of the stairs; I went down, and we went in the carriage together; in the carriage, I offered her my congratulations on her marriage. She was moved and began to cry, and in response to my congratulations, she said only, "Who knows," and nothing more. At the town hall and at the church, she gave her consent regularly, and I heard her clearly say "Yes." Afterwards, I accompanied her to the restaurant at the station, where they had breakfast, during which my niece was rather melancholy... From the account I have given, it can be understood that I cannot say that the bride experienced any pressure regarding her consent, because, at least, I have no knowledge of any such pressures."

Witness Guido Castiglioni testifies: "My personal impression, which I have been able to gather from information after the marriage, is that Miss

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Maria gave a consent that was not at all free, but imposed, and, in my opinion, mainly due to the fact that the world had become interested in this event, which was already long overdue, and that Miss Maria sacrificed her will to the need to escape from a situation that was absolutely unpleasant."

Witness Flaminius Binda reports: "I declare first of all that I had no direct knowledge of the events preceding the marriage, because I did not know the parties involved, nor had I ever heard them spoken of. As for what I can now say about how that marriage was carried out... it is based on the information I have obtained from knowing the parties and their relatives and friends, and from the observation of facts that are now, for me, undeniable."

[*Latin ed. p. 456*]

456 Acta Apostolicae Sedis - Commentarium Officiale: "The young woman Mary entered into marriage as a result of pressures, "suddenly" exerted by individuals who were friends of the captain. These individuals, with the intention "of rendering a notable service to him, by providing him with a very comfortable economic situation, of which he was impatient, recognizing the mild and impressionable character of the young woman, were persuaded that the task would also be very easy... In particular, such insistent pressures were exerted by a sister of the captain, now Mrs. Arrigoni, and by Mrs. Plantanida Rina, of whom several writings were produced, which were attached to the petition in this process."

Next follows the testimony of Mr. Peter Ambrosini-Spinella, the brother of the plaintiff, who responded to the judge's questioning as follows: "I have no knowledge of any pressures exerted on my sister to induce her to marry; this is understood from the fact that I was far from the family. On the day of the wedding, I had the impression of attending a funeral, rather than a wedding, due to the coldness of my sister, who was obviously distressed. Later, I learned of the pressures exerted, both in writing and verbally, by certain ladies Plantanida and Buttafava, to induce her to marry the captain Garibaldi. However, I do not know what nature these pressures were. I recall having heard my sister say that among the other pressures, there was also the one that, in the event of her refusal, Captain Garibaldi would commit suicide. This explained to me how this marriage had taken place under circumstances far from joyful."

Finally, another brother of Mary, Eugenius, testifies as follows: "Indeed, I spoke with my sister on several occasions about her marriage, presenting my reasons for which she should be wary, but I noticed that Mrs. Rina Plantanida was around her, trying to persuade her, giving, as I said, even appointments at church to make her meet with the captain. Later, I learned at home that this lady insisted with Mary about the marriage, pointing out to her the harm that her refusal would bring to the captain and to his family, and particularly to the captain's father, who was old and sickly, in order

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to exert such pressure on my sister, who was already grieving over the recent death of our father. I was left with the impression that my sister was truly determined to refuse, and therefore, if it had not been for the strong insistence of Mrs. Plantanida and Mrs. Buttafava, the marriage would not have taken place."

Thus far, the witnesses who were brought into the judgment in the previous investigation. In the supplementary investigation, the prosecutors of the plaintiff proposed five new questions to the witnesses, of which, however, four...

[*Latin ed. p. 457*]

On the 457th day, the previous inquiries were made regarding the merits of the case, or rather, their lack thereof. They inquired: 1) whether the Reverend Father Francis Balconi, Metropolitan Church archpriest, who presided at the marriage of Mary, the actress, had a conversation with her about it before the wedding day, or at least whether he questioned the couple separately on the wedding day; 2) or rather, whether after the marriage, Mary, by arrangement, visited the Reverend Father Balconi, and whether he then told Mary that, although he had knowledge contrary to the groom before the marriage, he had not revealed it out of fear of a lawsuit; 3) whether Father Balconi, after the marriage, told some people that he considered it null and void, due to the lack of consent from the bride; 4) whether Mr. Guido Castiglione presented the same Father Balconi with a copy of a petition to be submitted to the Roman ecclesiastical court, requesting that no marriage be declared. The fifth question, which the plaintiffs present as evidence, concerns the serious fear instilled in the bride, and asks whether the marriage was celebrated hastily, almost secretly, without any pomp, omitting any invitations to relatives or friends; indeed, even the bride's mother was absent; and that everyone present was astonished by the bride's sorrowful appearance. Regarding these four previous questions, the Reverend Archpriest Francis Balconi answered explicitly: Regarding the first: "Indeed, and truly, there was no private conversation with the lady Mary Ambrosini-Spinella. I recall having expressed my doubts regarding her marriage. I remember that in my first deposition, I declared that I had expressed my doubts to the same lady Mary Spinella. But now, reflecting on my memories, I cannot be certain that I expressed them to Lady Spinella, or perhaps to others. During the formalities of the consent, no words were spoken, either by me or by the couple, regarding the marriage. Nor were the future spouses questioned separately by me." Regarding the second question, he declares: "I remember that, both accompanied by Lady Malerba and alone, Lady Ambrosini-Spinella came to see me more than once to lament the situation created for her by her husband and the character of her husband. I remember having declared on this occasion that these things were feared

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from the beginning, because it was common knowledge that Mr. Cavaliere Garibaldi was interested in the dowry and not in the love of the lady, but I categorically deny having said that I did not speak of these things out of fear of a lawsuit. Indeed, I am convinced that I did speak of them." Regarding the third question, he repeats in his second instruction what he had already asserted in his first, namely: "I absolutely deny having ever expressed the conviction that the marriage was null, because I never had that conviction." Regarding the fourth question, he responds: "It is true that Mr. Attorney Guido..."

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis - Official Commentary: "Castiglione came to me, as I have already said, to ask me to intercede with those who would be involved in, and to inquire as to how he should initiate, the cause of nullity of which he was in charge; it is also true that he asked me to review the petition he had already prepared, and which I revised in entirely minor respects, such as the titles to be given to the ecclesiastical authorities, the form of the conclusion, and similar matters." In response to the fifth question, he stated: "I absolutely deny that the marriage was celebrated hastily." "I took Mr. Castiglione to the parish archives and showed him the records, from which it is clear that all three banns were duly published, and that the marriage was celebrated eight days after the third bann; this pertains to the ecclesiastical marriage; as for the civil marriage, I do not know." "The ceremony was indeed modest, at the desire of both spouses; but regarding other circumstances, such as invitations, those present, and the appearance of the bride, I cannot testify to anything." "That the marriage was celebrated privately and without pomp is also confirmed by other witnesses, among whom are the witness Maria Reina in Re, the witness Francisca Giussani in Puricelli, the witness Adelais Bertoletti, widow Volpi, the witness Lina Volpi in Broglio, and finally, the witness Adelais Malerba-Lacrois, who accompanied Maria Ambrosini-Spinella, after her separation from her husband, before the archpriest Balconi, whose words, as reported by Maria, were as follows: 'Madam Balconi... responded with these exact words: 'But do you know that the 'yes' you pronounced is a sacrament?'" "Mrs. Ambrosini-Spinella, in response, said that in recent times she no longer knew what she was doing, and that she took that step under the pressure of the ladies Plantanida de Capitani and Buttafava, and that she did so to put an end to all that pressure." "Monsignor Balconi added: 'And if you have such serious reasons to bring this matter forward, then present them; I was about to send for you before the marriage, because I had also heard some unsettling rumors.'" "Then Mrs. Ambrosini-Spinella interrupted: 'Why didn't you do so?'" " 'But you know,' replied Monsignor Balconi, 'that a defamation lawsuit is easily brought!' " This is true in law. - Above all, the fear of the bride, Maria, which her husband, Julius Garibaldi,

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alleges, must be excluded from this marriage; for this assertion is in no way proven, but rather, the contrary is clearly evident from the records. Therefore, it remains to be seen whether the marriage is null due to a simple fear that Maria experienced. In order to proceed correctly, it will not be amiss to briefly recall the fundamental principles of law that govern and regulate this matter. Grave fear, arising from an external source, unjustly instilled by a free cause and intended to extort consent in relation to marriage, is...

[*Latin ed. p. 459*]

On the 4th of September, 1589, a marriage is rendered null by law, when one of the parties should enjoy complete security, lest unhappy consequences arise. Therefore, a marriage contracted under such fear is entirely invalid (cf. chapter 14-15 of this work; Code of Canon Law, concerning those who are married). Fear is considered grave when the evil feared is serious for the person who fears, and this person believes that this evil truly threatens either themselves, or their parents, children, brothers, or even other relatives and affine, or servants (cf. Sánchez, book IV, dissertation IV; Reiff, book 1, title 11, number 19; St. Alphonsus, book VII, number 1047). But since fear arises only with the use of threats, it is necessary that the person experiencing fear believes that the threatened evil is imminent; therefore, if the person who threatens the evil cannot, or at least does not usually, carry out the threats, the fear is not considered grave. Likewise, if the person to whom the fear is instilled can, in some way, without great difficulty, avert the evil, by, for example, seeking the help of others, or if the evil that is feared is not imminent but remote, the fear is not considered grave, since it is easier to deal with dangers that are far away. If, however, the gravity of the fear is not certain, it should always be considered light. Furthermore, the fear must be external, or caused by a free agent, that is, by a human being; for a natural, or internal, cause of fear does not inflict an injury on a person, and therefore does not violate the freedom of marriage. In this case, the marriage is chosen by the person who contracts it, without any coercion, and that person chooses marriage as a means by which to consult their own conscience (cf. Santi, Principles of Canon Law, book IV, title I). Fear, which invalidates a marriage, is never presumed, but must be fully proven by the one alleging it (1. Concerning those things that are done because of fear). Now, let us first inquire whether the fear, because of which Mary Ambrosini-Spiñella claims that her marriage is invalid, is truly proven by the facts; and then, whether the asserted fear possesses all the qualities necessary to constitute a valid impediment. Mary asserts that she was threatened by three women, namely, by Elizabeth Buttafava, by Aloisia Garibaldi, the widow Arrigoni, the bride's sister-in-law, and by Alexandrina Plantanida; but with regard to Elizabeth Buttafava and Aloisia Garibaldi, the facts rather suggest the contrary; for both used persuasions and advice to induce Mary to marry,

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but neither used threats or other means to instill fear in her. We have seen in the facts that Elizabeth Buttafava said to Mary, "Before these disagreements and differences of taste, the best advice I could give, and that I would also give to my own daughter, was to end everything." However, she never used imprudent words. The same can be said almost verbatim of Aloisia Garibaldi, widow Arrigoni; 1.

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis - Commentarium Officiale. Certain letters from Maria, a judge, were presented, but nothing was found within them that suggested threats; indeed, Maria herself confessed that on one occasion she had said, "If you do not wish to proceed with the marriage, then leave it be, for you are still in time." Regarding Alexandrina Plantanida, who is accused by others of causing the greatest fear, we know nothing beyond what Maria asserts; the witnesses report only what they heard from her, and no one was present at conversations between Alexandrina and the actress. Alexandrina, and her daughter Nessi-Plantanida, were summoned to court three times, but they were contumacious, and therefore the only witness regarding what these women said and did is the actress herself. However, since she is a witness in her own cause, her testimony cannot be fully trusted; moreover, she also asserts that Elizabeth Buttafava and Aloisia Garibaldi had also instilled fear in her, which is not at all apparent from the records. Therefore, the fear that is brought forward to undermine the marriage cannot be proven in any way from the records. But even if it were proven, would it, under all the conditions required by law, be sufficient to invalidate the marriage? The threats that the actress, as the cause of her fear, alleges are three: "They were telling me (she says) to 'be careful about what I was doing by withdrawing, because by now everyone in 'Milan was talking about the marriage,' and because I would also 'ruin that poor man materially and morally, because, having been dealt a blow, he would have to abandon his business and leave Milan; and finally, I would be cooperating in causing his elderly parents to die of sorrow.'" Anyone, even a child, could recognize that these assertions were false and absurd. The interruption of the negotiation of a marriage is a matter that occurs almost daily in cities, and it does not bring any shame to the parties involved; it would be extraordinary to believe that the ruin of the man and his suicide would have occurred, unless the marriage had taken place, when he had never said these things to Maria, indeed, he had threatened on several occasions to interrupt the marriage negotiations himself; and the man's parents were not even known to Maria. Even if Maria believed that harm was truly being done to her, to Julius, and to his parents, it would not be considered a serious cause of fear that would be admissible; not because she feared for herself, since a serious cause of fear cannot be one that only causes a small loss; nor because she feared for others, since those

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others were neither relatives, nor blood relatives, nor domestic members of Maria. On this matter, Van de Bourgt says: "Authors commonly admit that someone can be seriously frightened by reasons that are imminent to blood relatives or affines from a lawful union up to the fourth degree. They derive this feeling from a natural affection that easily encompasses those within those degrees of blood relatives and affines. They write that the same can happen among those who are bound by a close bond of friendship, and that it can also occur..."

[*Latin ed. p. 461*]

S. Romana Bofa 461: "that the domestic [servants] may be terrified and moved to action, because of the evil that 'is present with their lords' (De matrim., p. 102)." From these things, it is clearly apparent that the evils that were threatened to Mary were not such as to be able to instill a grave fear in her mind. But even if, hypothetically, we were to concede the contrary, whether this fear was from an external cause, or rather from an internal one, so that, although grave, it could not dissolve the marriage? The cited sentence rightly notes that Mary is not complaining about the fear that was instilled in her, but about her own opinion: "the thought of having my opinion spoken of, which 'the ladies were constantly telling me'." Therefore, if there was any fear, or any mental trepidation, it was from an internal source, namely, from Mary's own imagination, or from her own passions and scruples. Therefore, Elisabeth Buttafava rightly says: "It proceeded by force of circumstances and 'social' conveniences." And Maria Brera says: "It proceeded as if by fate." "Hence, however much (as noted by the Reverend Def. Vinc. ex off.) the unfortunate intervention of the go-between may have been condemned in this case, to the extent that, not only did it not dispel doubts, but it indicated evils that were burdensome to the woman, or, according to the Milanese judge, it profited the intention of the marriage, even though it did not depend on their will to order or avert the pretended evil, the fear, conceived according to the strictness of the law, is not conceivable." Furthermore, if Mary had truly been averse to marriage, she would have gladly seized all the opportunities that Julius offered her at least three times to abandon him; namely, the first time, when her request for marriage had not yet been accepted, the second and third times, when the notary, in the marriage contract, had added conditions to which Julius was unwilling to agree. On the contrary, Mary, the first time, wrote letters to him, in the name of her mother, to renew the broken marriage negotiations; in other cases, Mary's mother, with the daughter's consent, ordered the notary to change the conditions of the contract, as Julius wished. Moreover, it is inconceivable that there would be fear in a person whose will is not averse to marriage, or to the man with whom she must contract it; but Mary abhorred neither. Not marriage, as her mother testified: "I must add that my Mary was not generally opposed to 'the idea

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of a marriage of sympathy; this was evident to me, even in the case of other proposals made to her, which then failed, because she said, on that occasion: 'I do not want to unite myself with a man 'whom I do not know and with whom I do not feel sympathy'." Nor the man, as the same testified: "The husband presented no 'physical repugnance' to me; I was resigned to him to my destiny, hoping 'that he would change his character and I could have a more peaceful life'." We also heard Elisabeth Buttafava testify: "In those..."

[*Latin ed. p. 462*]

"In the Acts of the Apostolic See - Official Commentary, it is stated: 'During the last visits I had with them, on the occasion of receiving letters containing extremely unfavorable remarks about the captain, I found Miss Mary sometimes genuinely attached to her husband, and at other times fearful of continuing the negotiations,' etc. And when the same Elizabeth said to Mary: 'Ultimately, if you have married him, it is a sign that you loved him; therefore, endure a little also his harshness of character,' she replied: 'I married him out of compassion.' Similarly, we heard Aloisia Garibaldi testify: 'Madam Mary Ambròsini, in the intimacy of our friendship, confided to me her hesitations regarding her marriage to my brother; she knew she was not beautiful and feared she would not be interesting enough to my brother, and she was therefore afraid that my brother would marry her for her dowry.' These statements are consistent with what we heard from the witness Lina Volpi-Broglio, Mary's closest friend, as well as from several other witnesses. Furthermore, it is not true that Mary left Julius because of the fears she experienced before the marriage, but because she was treated badly by him, as she herself said: 'I felt the obligation to fulfill my duty once I had married him, and if there had not been the subsequent difficulties, I would have remained with him, accepting my fate.' Therefore, if these adversities had not occurred, Mary would never have accused her marriage of being invalid due to fear. Rather than fear, the case concerns an error regarding Julius's moral qualities; an error into which Mary may have been led by the lady Plantanida. However, it is known that error does not create nullity of marriage, unless it falls upon the essence or qualities that are reduced to the essence, which, in our case, does not occur at all. From this, it is clear why Mary has not sought refuge in anyone, although she could easily have sought the advice or help of others against the fear that she claims to have experienced; now, however, she is so eager to invoke the help of the judges, so that they may declare her marriage null. Mary's lawyers argue that the manner in which her marriage was celebrated proves that she was influenced by fear, citing the authority of Goscii (De separatoribus, book I, chapter VIII, n. 117), as well as Menochii (De praesumptis, book 3, presumption 126, n. 12), who states: 'There is a presumption of fear having been imposed when, in the celebration of the marriage, neither relatives,

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close friends, nor friends have intervened, nor has there been a pomp that was appropriate for the place, time, and condition of the newlyweds. But the celebration was too hasty and humble,' etc. Indeed, (besides the fact that, in our case, some relatives and friends, of the bride or groom, were present at the marriage, such as Mary's brother and aunt, and the marriage was not celebrated hastily, but eight days after the last one, as..."

[*Latin ed. p. 463*]

The Roman Rota, number 463, as the archpriest Balconi testifies, indicates that the Doctors Goscius and Menochius point out this fact as an indication, or presumption, and not as a certain argument. Indeed, this indication is truly ambiguous, for the same fact can occur for other reasons, such as, for example, either out of modesty of families, or because of the excessive age of the bride, or because of a difference in condition between the betrothed, or because of a recent bereavement of either of the betrothed, etc., and therefore, by itself, unless supported by other arguments, it proves nothing. After carefully considering all of these things in law and in fact, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, decide, declare, and definitively pronounce, responding to the proposed doubt: Negatively to the first part, affirmatively to the second; that is, that the sentence of the Rota of April 8, 1915, is to be confirmed. We also decide that the costs of the proceedings are to be borne by the plaintiff. Thus we pronounce, ordering the Ordinary and ministers of the places to which this pertains, to enforce this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, and especially chapter 3, session XXV, De Reform., Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, at the seat of the Tribunal of the Holy Roman Rota, on August 1, 1916. Frederick Cattani-Adorni, President. Peter Rossetti. Raphael Chimenti. From the Chancery, on February 7, 1917. Reverend Father John Ladelci, Notary.

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis - Official Commentary II PARISIAN. NULLITY OF MARRIAGE (VERGNE-LEVOYE) Under the blessed reign of Benedict XV, in the third year of his pontificate, on December 11, 1916, Most Blessed Pope Benedict, with the assistance of the Most Reverend Fathers Seraphinus, Ponens, Ioannes Prior, and Aloisius Sincero, Auditors from Tournon, in the Parisian case concerning the nullity of marriage, between Marcellina Vergne, the actress, represented by her official advocate, the Reverend Aloysius Cambini, and Ludovicus Levoye, the spouse, on appeal against the sentence of the Most Reverend Tribunal of Paris, dated September 28, 1916, pronounced by the Parisian Defender of the Bond, with the intervention and argumentation of the Reverend

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Substitute Defender of the Bond, rendered the following definitive sentence. On February 2, 1894, Marcellina Vergne, born in the parish commonly called Saint Georges des Sept Voies, in the diocese of Angers, aged 15 years, and Ludovicus Levoye, aged 38 years, were married in the church of the place called Thoureil, in the same diocese. Since the bride did not freely consent to this marriage, it had an unhappy outcome; their cohabitation was not peaceful, although three children were born to them; and after six years, in Paris, where the spouses had come to live, they separated from each other. Afterwards, the wife obtained a civil divorce. Finally, in 1913, on December 8, Marcellina, wishing to act according to her conscience, petitioned the Parisian Tribunal with a supplication, earnestly requesting that her marriage with Ludovicus Levoye be declared null and void on the grounds of coercion and fear. This was done by the sentence of September 28, 1915, in which it was decided that the aforementioned marriage was indeed null and void, on the grounds of coercion and fear, saving the legitimacy of the children. Since the Parisian Defender of the Bond appealed against this sentence, in the Ordinary Sacred Congregation, the following question was raised, according to custom: Does the nullity of the marriage exist in this case?

1. Regarding the law: In the ecclesiastical forum, the inquiry into reverential fear is often frequent, especially in matters of marriage, and the question is asked whether it invalidates the marriage; to which question the answer must be given: Reverential fear, by itself, does not invalidate marriage; for reverential fear is the fear of offending a superior, e.g., a father, a mother, etc.; and this offense is certainly an evil even for the inferior, insofar as it results from it.

[*Latin ed. p. 465*]

The Roman Rota often finds that some indignation arises from the superior towards the inferior; but here, this fear is natural and intrinsic. Moreover, the aforementioned offense, and consequently the superior's indignation, although it is a fault, is not considered a grave fault in law, nor is it sufficient to annul a marriage. In Roman law, a marriage contracted solely by the father's command or coercion, without threats or other similar additions, was not considered invalid (L. 22, De Ritu nuptiarum, XXIIÍ, 2): "If, under the father's compulsion, (a son) takes a wife whom he would not have taken if he were of his own free will, he nevertheless contracts a marriage, which is not contracted among unwilling parties; it seems he wishes it." Similarly, in canon law, a religious profession, made solely by the father's command, is not considered invalid (cap. Insinuante, 7, Qui clerici vel voventes). Indeed, when, by hypothesis, there are no threats, beatings, or serious quarrels, it is a sign that the aforementioned offense of the superior is not so grave a fault, even for a young woman. Therefore, a simple reverential fear, in itself, does not invalidate a marriage. But it is

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entirely different when, besides the simple fear of the superior's offense, and the indignation that follows from it, there are added circumstances that disturb even a constant man or woman; among these circumstances, the Doctors enumerate threats, serious quarrels, beatings, importunate and prolonged prayers or persuasions; the weight of all these circumstances is left to the prudent judgment of the judge. In these cases, the reverential fear arises from an external and free cause, and is no longer simple, but mixed or qualified; and if, in fact, it disturbs even a constant man, it invalidates the marriage. And this is the most common opinion of the Doctors, from which it is wrong to deviate. Thus, Sánchez, De matrimonio, lib. IV, disp. 6, n. 7 seq.; Pichler, in tit. De sponsalibus, n. 108, in fine; Barbosa, Vota decisiva, vot. 77, n. 73 seq.; Lessius, De iustitia et iure, lib. II, cap. 17, n. 35; Reinffen., in tit. De his quae vi, n. 93-101; to which the more recent Doctors agree, e.g., d'Annibale, Summula, t. I, § 138, not. 16; Vecchiotti, Instit. can., t. III, De Sacramentis, § 99, in fine; Rosset, De matrimonio, t. II, n. 1278-1285; Santi, in tit. De sponsalibus, n. 144; Wernz, Ius matrimoniale, n. 264, edit. 1904; Gasparri, De matrimonio, n. 942, edit. 1904. This was also the jurisprudence of the Holy Congregation of the Council, which never admitted simple reverential fear as invalidating marriage, but did admit mixed reverential fear (see the causes indicated in Wernz, loc. cit.). And this is also the jurisprudence of the Holy Rota, which often admits mixed reverential fear as invalidating marriage, as it did, for example, in Parisien., on February 26, 1910; in another Parisien., on March 13, 1911; in Nicien., on February 19, 1916; from which last sentence, this explanation of the law is largely taken. ACTA, vol. I X, n. 9. — 1-9-917. 30

[*Latin ed. p. 466*]

466 Acta Apostolicae Sedis - Commentarium Officiale Quod ad factum spectat. - Cum genitores Marcellinae Ludovicum Levoye, opificem, ex amicorum relatione, cognoyissent, eum domi receperunt; ille autem frequentissime hanc domum adibat, ibique saepe cibos sumebat, imo noctem transigebat. Erat tunc Marcellina puella vix tredecim annos cum dimidio nata; quae in vico propinquo apud Mariam Gharveau artem sarcinatricum addiscebat, et quolibet sabbato in domum paternam redibat, ubi die dominica cum genitoribus remanebat. Ibi igitur Ludovicum cognovit, quem mater ipsi in maritum proposuit. Porro ad hoc filiae cum Ludovico matrimonium mater valde propensa erat; quibus causis moveretur, sic exponit actrix in suo interrogatorio, ad 6: "Once, my mother was urging me to accept the hand of 'Mr. Levoye, saying that he had property, money, that I would be happy, that I would no longer go to work for others, that I would be at 'home.' I replied to my mother, with a sort of anger: 'Well, since he pleases you so much, take him for yourself!' My mother replied to me: 'If I could, I would gladly take him'; and she slapped me... One day, our landlord, while talking to me, made this observation to me: 'It's a shame, my poor little one,

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that your father is not dead; because the man they want you to marry would be much better suited to your mother than to you.' Therefore, the mother strongly desired this marriage for her daughter, first because Ludovicus was said to be a wealthy man, and second because he was very pleasing and agreeable to the mother; concerning this latter point, nothing can be legally proven. This second reason is also indicated or suggested by other witnesses, e.g., Aloisia Cirot, at 5; Augustus Cirot, at 19; Felicitas Couturier, at 5. On the contrary, Marcellina, a girl of 13 years, vehemently abhorred the man who was proposed to her for marriage, first because Ludovicus, being 36 years old, was twenty years older than her; and second because he was very devoted to wine, and was very often drunk. Marcellina says, at 6: 'When my mother, for the first time, asked me if I wanted to marry him, I replied that 'it was not possible, that I did not like him, that he was too old for me, that he could be my father. Mr. Levoye was constantly drunk; and, once, he was in such a state that they put him on a wheelbarrow and took him into our courtyard to show him to my parents. I slammed the door in his face, saying to my mother: 'Look, what a horrible man!' The third reason for her repugnance against Ludovicus is given by Marcellina, in her deposition, namely, because he was a widower: 'Moreover, he was a widower, and that distanced me even more from him.' The first reason for her repugnance, namely, the advanced age of Ludovicus, is also alleged by other witnesses, e.g., Renatus Grégoire, at 6; Felicitas Couturier, at 6, etc.

[*Latin ed. p. 467*]

S. Romana Rota 467. Therefore, the mother of Marcellina attempted to sway the reluctant and obstinate will of her daughter to her own wishes through persuasions, promises, arguments, threats, and beatings. The witness, Augustus G. ir ot, testifies in document 7: "She was 'brought to the marriage' by the efforts of her parents; she was very young, and she was overcome by promises and threats; and she was beaten several times by her mother. I am certain that she was struck in order to bring her to consent to the marriage." Similar testimony is given by Aloisia Girot, in document 7: "Until the very end, the impressions of Marcelline Vergne regarding Louis Levoye remained the same. From the time that he began to frequent the house, that is, more than a year before the marriage, perhaps two years, for the girl was scarcely thirteen years old, they began to tell Marcelline that she must become his wife. She was threatened, she was beaten, and until the day she was fifteen years and three months old; and then, against her will, she was married." Likewise, Maria Charveau testifies in document 7: "The parents forced their daughter into this marriage. She was forced the entire time. She never wanted this young man. The parents forced her; she was crying all the time; and her parents would even beat her. Yes, there were several instances of physical violence." Thus also, Maria Charpy testifies in document 7: "In my opinion, the young girl was coerced by her

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mother. The coercion was continuous, from the age of thirteen until the marriage. The mother, according to what the daughter told me, beat her daughter; and she threatened to beat her again if she did not marry Levoye. These threats lasted until the marriage." Let it not be said that the witnesses merely allege threats and beatings, while the plaintiff remains silent. For the plaintiff, in fact, excludes beatings on the part of the father, but not on the part of the mother; she states in her interrogation, in document 7: "At the beginning, my father was not in favor of this marriage; he even made observations to my mother about it, pointing out to her that this marriage was not possible, because this man was always drunk. Later, he came to agree with my mother. Often he would point out to me that I must marry this man, who had money, and that I would thus be well-provided for, etc., etc. But my father did not strike me. I was about thirteen and a half years old, perhaps fourteen, when they began to speak to me about marriage with L. Levoye; and until the marriage, my parents did not cease to torment me in order to make me accept the man of their choice. My mother made all sorts of promises to me, of toiletries, of household items, that my sisters had not had." Indeed, in the same interrogation, in document 6, in the very words mentioned above, the plaintiff explicitly remembers being struck by her mother. All of these things are in agreement with what...

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis - Commentarium Officiale: The aforementioned actress reports in the introductory text: "This marriage took place against 'my will; it is only through insistence, and even through threats and violence, primarily from my mother, that I finally married Mr. Levoye.'" Furthermore, the daughter was not swayed by her parents' persuasion and vexations; indeed, she always resisted the coercion imposed upon her as much as she could. Before her parents, she resisted with tears and protests; she herself said to the Reverend Father: "I have always told my parents that I did not want this man, and they have often seen me cry. My mother sometimes told me that she would have my father punish me if I did not obey." She avoided conversation and the presence of Ludovici as much as possible; about this, the witness Aloisia Cirot testified, at 6: "It was impossible for her to go to her house without finding this individual. She tried to avoid him as much as possible, even refusing to enter the house, so that her mother was forced to beat her to make her enter. I saw this with my own eyes." Moreover, she turned to neighbors, and especially to the father of the bridegroom, to intervene with her parents to prevent the marriage. Marcellina said, at 8: "Yes, I asked neighbors to intervene with my parents to prevent this marriage." Indeed, the father intervened, but in vain, as Aloisia Cirot testifies, at 8: "The young girl could hardly resist; all she could do was to involve other people, among them the deceased my father, uncle of Louis Levoye, who valued his nephew at his true worth.

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He tried to reason with Marcelline's parents, to prevent them from giving their daughter to Levoye; but there was nothing to be done." Moreover, Marcellina herself manifested her repugnance to Ludovico, indeed, she openly declared it. The witness Augustus Cirot testified, at 9: "Marcelline Vergne, to my knowledge, several times slammed the door in Levoye's face, especially one day when her fiancé was brought to her so drunk that he was transported in a wheelbarrow. I do not know why he did not understand and did not renounce the marriage." Likewise, Aloisia Cirot testified, at 9: "Marcelline repeatedly told Louis Levoye that she did not want him." And this was the manner in which Marcellina acted for fifteen or eighteen months, from the first proposal of marriage until the very marriage; she never yielded to the proposals, or rather, the imposed marriages; but her repugnance, together with the coercion of her mother, persisted until the very marriage. About this, the aforementioned words already quoted from Aloisia Cirot, at 7: "Until the very end, Marcelline Vergne's feelings towards Louis Levoye remained the same... She was forced to marry him."

[*Latin ed. p. 469*]

The Roman Rota, number 469, states: "She was born, and she was beaten until the day she was fifteen years and three months old; and then, against her will, she was married." It should be noted that in France, a civil marriage of a girl before the completion of her fifteenth year is not valid (Civil Code, article 144). The coercion that Marcellina suffered up to the time of the marriage is also evident from what occurred during the performance of the civil marriage ceremony. Before the magistrate, when Marcellina was asked whether she would accept Ludovic Levoye as her husband, she turned to those present, as if seeking counsel or assistance from them; but when everyone remained silent, the girl, having nothing else to do, answered affirmatively to the magistrate. This is what the witness Augustus Cirot states, in paragraph 12: "I was at the town hall. Everyone could see, as I did, that instead of immediately answering the questions of the civil registrar, Marcelline looked at everyone as if seeking help: she was waiting for someone to have the courage to tell her to say 'No'." The actress herself stated in her testimony, in paragraph 12. All of this receives confirmation from what followed the marriage. On the very day of the wedding, Ludovic, having become intoxicated with wine, felt unwell and was carried by his relatives to the bedroom, where he remained until the following day; Marcellina, on the other hand, wept throughout the entire night in another room; and scarcely, upon the rising of the sun, unwilling to approach her husband, she fled to her mother; but this woman drove her daughter away with her foot and sent the poor girl back to her husband: this is what the witness Aloisia Cirot states, in paragraph 16: "The young girl, after such a wedding night, only wanted to return to her parents; she returned home the very next morning after the wedding; her mother, who was very cruel,

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did not want to receive her: she welcomed her with a kick, and the poor girl returned to her husband, who, for his part, did not spare her blows. I do not believe that she ever, afterward, regretted anything other than having accompanied Levoye to the town hall and the church." Thus, the marriage, begun under such unfortunate circumstances, was not a peaceful one, although three children were born of it; after six years, when the couple went to Paris, a separation began between the spouses, and a civil divorce, requested by Marcellina, was decreed by the judge. Therefore, there is no doubt that Marcellina gave her consent to the marriage under the influence of reverential fear, along with importunate and prolonged persuasions, arguments, beatings, and threats; and therefore, according to what has been said in the exposition of the law, the marriage is null. Nor should it be said that this reverential fear and its accompanying circumstances were not legally demonstrated, due to the lack of eyewitnesses. For in cases that are difficult to prove, and especially in proving fear, hearsay witnesses are admitted; indeed, as Mascardus says (De probationibus,

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis - Official Commentary (can. 1052, n. 4-6), in proving fear, conjectures and indications are also admitted, both because fear is often secretly inflicted, and because fear affects the mind, since, according to the most well-known definition, it is a trembling of the mind caused by an imminent or future danger. Furthermore, in the present case, there are five witnesses to hearsay, namely Maria Charpy, Maria Fresneau, Augustus Cirot, Aloisia Cirot, and Maria Charveau, who heard the matter from Marcellina herself at a time when there was no suspicion, namely before the marriage; in addition, there are two witnesses to public reputation or rumor: namely, Renatus Grégoire and Felicitas Couturier; for when Marcellina was a girl of 13 years old, she manifested her opposition to the intended marriage to anyone and everyone, as Maria Fresneau stated, at 9: "I do not know if she told Mr. Levoye the antipathy she had for him, but she told everyone." Thus, a rumor spread throughout the town that the marriage was being forced upon Marcellina. This public rumor is testified to by the aforementioned Renatus Grégoire, at 18, and Felicitas Couturier, at 7. Nor are there entirely lacking eyewitnesses; for the aforementioned Aloisia Cirot, according to her own account, at 6, in the very words previously quoted, saw Marcellina's mother beating her daughter because she refused to go near Lewis. Furthermore, the aforementioned five witnesses to hearsay were also eyewitnesses to Marcellina's opposition to the marriage, and to her protests and tears, all of which certainly pertain to fear, as they are elements, effects, and indications thereof. Therefore, nothing is lacking in the juridical proof of fear. That not many witnesses could be heard in this case is not surprising, because the facts in question go back twenty years, and more. Certain difficulties remain to be resolved.

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1) Marcellina cohabited with her husband for six years, and, not neglecting marital duties, bore three children; therefore, it is considered that she purged her fear and confirmed her consent. - Reply: Cohabitation or sexual intercourse does not purge fear, unless the cohabitation is peaceful, and the intercourse is freely accepted, according to canon 21 of "De sponsalibus," and also canon "Insuper, Qui matrimonium accusare, etc." Furthermore, in this specific case, there is no proof of the peaceful nature of the cohabitation or of the spontaneity of the intercourse on the part of the wife, since, on the contrary, the husband's bad behavior never changed, nor did the wife's opposition, and therefore, after six years, the separation of the spouses followed. But, whatever it may be, in this specific case, it cannot be said that fear was purged, because the marriage was contracted in a place where the Tridentinum Decree had been promulgated; furthermore, in these places, when the impediment of fear is public, or can be proven in court, fear cannot be purged unless by a renewal of consent in the Tridentine form:

[*Latin ed. p. 471*]

1. The Roman Rota, number 471, which is an unquestionable matter of law, and which has been noted on several occasions by the Sacred Rota, for example, in Veszprém, on June 2, 1911, and in Treviso, on March 11, 1912 (Acta Apostolicae Sedis, vol. IV, pp. 115, 516).

2. Marcellina did not approach the ecclesiastical court of Paris to obtain a declaration of the nullity of her marriage until approximately twenty years after the marriage contract, namely, on December 8, 1913: which raises a serious suspicion against her good faith.

Response: Marcellina, a simple country girl and completely ignorant of the law, did not believe that the aforementioned religious marriage could be annulled by coercion; she did not learn this until later from her civil attorney, as she herself stated, at age 18: "The first idea of the nullity of my religious marriage was given to me by my attorney. I then consulted Mr. the First Vicar of St. Pierre du Gros Caillou, who referred me to Mr. Deschamps."

Therefore, having considered and carefully examined all these matters, both in law and in fact, and invoking the name of Christ, we, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decree, declare, and definitively sentence: That the marriage between Marcellina Vergne and Ludovicus Levoye is null and void; and therefore, confirming the sentence of the Parisian ecclesiastical court, we answer the proposed question affirmatively. Thus we pronounce and definitively sentence, ordering the ordinaries of the places and the officials of the tribunals to whom it pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session XXV, De reform., of the Council of Trent, using the executive and coercive means that are more appropriate and

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effective for the circumstances.

Rome, in the seat of the Tribunal of the Sacred Roman Rota, on December 11, 1916.

Seraphinus Many, Presiding.

Ioannes Prior.

Aloisius Sincero.

L. ®

From the Chancery, December 16, 1916.

Sac. T. Tani, Notary.

[*Latin ed. p. 472*]

Acta Apostolicae Sedis - Official Commentary III LONDON. DIVISION. DECREE ON THE END OF THE DISPUTE. By this Holy Tribunal, on August 5th of the year 1914, a final judgment was issued in the first instance, by which it was decreed that the division of the parish of Our Lady of the Lakes, in the diocese of Londonensis (Canada), was legitimate, and that provision was made for an equitable distribution of burdens between the mother parish and the filial parish. Against this judgment, the Most Reverend Bishop of Londonensis and the Reverend parish priest Beaudoin, rector of the mother parish, appealed, the former concerning the part of the judgment which established the distribution of burdens between the parishes, and the latter concerning the part of the judgment which declared the division to be legitimate. As for the Promoter of Justice, who had been the principal party in the trial in order to uphold the canon laws concerning the division of parishes, he did not appeal; indeed, the judgment, in his opinion, had been pronounced correctly. Since certain difficulties arose concerning whether the Most Reverend Bishop of Londonensis would renounce his appeal or retain it, by this Holy Tribunal, on July 28th of the year 1916, an interlocutory judgment was issued, decreeing that the Most Reverend Bishop had not renounced his appeal, and therefore the dispute remained pending before the Holy Rota in the second instance (this judgment can be seen in this periodical, Acta Apostolicae Sedis, in this volume IX, page 151). However, having knowledge of this interlocutory judgment, and after further consideration, the Most Reverend Bishop of Londonensis, on October 13th of the year 1916, revoked his appeal against the judgment of the Holy Rota of August 5th, 1914, as is evidenced by his letter of the same day, October 13th. On the other hand, the Reverend parish priest Beaudoin, in an authentic document dated December 22nd, 1916, wrote: "...by these presents, we declare that if 'Monsignor Michel François Fallón withdraws his appeal and pays the costs of this second instance, we, for our part, will accept this withdrawal and will withdraw our appeal and will pay our costs of this second instance. By these presents, we give to our procurator, the Illustrissime Vincenzo Sacconi, a very special mandate

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which..."

[*Latin ed. p. 473*]

Romana, Decree 473, "authorizes it to accept the renunciation of the appeal that will be made by Monsignor Fallón, or his attorney, and to withdraw our own appeal, and to do all other things pertaining to this present cause that require a special mandate." Therefore, as stated, the Most Reverend Bishop of Londonensis has withdrawn his appeal, so too does the Reverend pastor Beaudoin withdraw his appeal. Thus, since the Promoter of Justice did not appeal against the judgment of August 5, 1914, and both parties who appealed have renounced their appeal, the parties in this lawsuit are lacking, and therefore the dispute is ended. As for the expenses of this second instance, since the Most Reverend Bishop of Londonensis abandoned his prior appeal, according to § 223 of the Rules of the Sacred Roman Rota, he was to pay all the expenses of the instance. However, the Reverend pastor Beaudoin, as seen above in the document of December 22, 1916, spontaneously agreed that the expenses be shared between the parties; and this agreement is also accepted by the Most Reverend Bishop of Londonensis, as is evident from his special mandate of May 9, 1917, to his direct attorney in the Sacred Roman Rota. Therefore, the expenses of this instance remain to be shared between the parties. In his instance of January 9, 1917, the Reverend attorney D'Alessandri, attorney for the Curia of Londonensis, in addition to renouncing the appeal, on behalf of the Illustrious Bishop, requests that the error be corrected that occurred in the aforementioned judgment of the Sacred Roman Rota of August 5, 1914. For it was stated in this judgment (Acta Apostolicae Sedis, vol. VII, p. 80) that the Reverend priest Robert, pastor of the new filial parish, is an English priest, whereas in truth he is of Gallic nationality. Furthermore, the principle of justice and equity demands that this request of the attorney D'Alessandri be granted. For it is clear from the written testimony of the priest Robert himself, who is certainly not subject to any suspicion, that he is a Franco-Canadian citizen, and that his father and mother are Franco-Canadian citizens, and that his native language is French. Moreover, the attorney for the other party and the Promoter of Justice, duly questioned on this matter, responded in writing that they do not object to the requested correction. Since, therefore, we are dealing with a purely material error, it should undoubtedly be corrected. Nor does § 174, n. 2, of the Rules of the Sacred Roman Rota, in which it is stipulated that such material errors be corrected by the court that rendered the judgment, present an obstacle; for in this paragraph, as well as in the entire Title V, we are dealing with judgments that have not yet been removed from the jurisdiction of the judging court by appeal; in our case, however, the judgment and the entire cause of Londonensis have, for a long time, namely since November 25, 1914, passed into the jurisdiction of the court of Turno. Therefore, having

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considered all of these things, both in law and in fact, and...

[*Latin ed. p. 474*]

Acts of the Apostolic See - Official Commentary 474, having considered all the documents indicated above, the following is decreed: 1. It is declared and decreed, in accordance with the judgment of August 5, 1914 (Acts of the Apostolic See, volume VII, page 80), that the Reverend Robert is to be considered a "French priest," and not an Englishman; 2. It is declared and decreed, that since the Most Reverend Bishop of London and the Reverend parish priest Beaudoin have withdrawn the appeal made against the judgment of August 5, 1914, this judgment has become final and the dispute is concluded; 3. Finally, it is ordered that this decree be published as soon as possible in the official periodical, the Acts of the Apostolic See, and it is further stipulated that the expenses of this second instance shall be borne equally by the parties. Rome, in the seat of the Tribunal of the Holy Roman Rota, on June 22, 1917. Seraphinus Many, Judge. L. © S. From the Chancery, June 23, 1917. Sac. T. Tani, Notary.

[*Latin ed. p. 475*]

Secretariat of State 475. ACTS OF THE OFFICES OF THE SECRETARIAT OF STATE CONCERNING CERTAIN PRECEPTS OF THE CODE OF CANONS. Many Ordinarys of dioceses, including bishops, having requested it, His Holiness Pope Benedict XV has decreed that, without any delay, the following precepts of the Code, that is, those which follow, shall take effect: 1° Canon 859, § 2; 2° Canon 1108, § 3; 3° Canon 1247, § 1; 4° Canons 1250, 1251, 1252, 1253, 1254. Most Blessed Father, having received the aforementioned requests with paternal benevolence, in an audience granted on August 19th to the undersigned Cardinal, He decreed that the precepts of the canons, as mentioned above, shall have force from this very day; and furthermore, by Motu Proprio, He granted that the Cardinals of the Holy Roman Church may now enjoy all the privileges which are described in canons 239, § 1, 240, 600, n. 3, 1189, 1401, of the same Code. All of these things are ordered to be promulgated, notwithstanding any contrary provisions whatsoever. From the offices at Vatican, on August 20th of the year 1917. P. CARD. GASPARRI, Prefect of the Secretariat of State.

[*Latin ed. p. 476*]

476 Acta Apostolicae Sedis - Official Commentary of the DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES, Tuesday, August 7, 1917, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which, for the judgment of the Most Eminent and Reverend Lords Cardinals composing the same, the following matters were presented:

1. The introduction of the cause for beatification and canonization of

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the Servant of God, Lewis Mary Calco, professed priest of the Order of Preachers;

2. Likewise, the introduction of the cause for beatification and canonization of the Servant of God, Mary Antonia of Saint Joseph De Paz y Figueroa;

3. Concerning the revision of the writings of the Servant of God, Innocent of Berzio, professed priest of the Minor Capuchins;

4. And concerning the revision of the writings of the Venerable Servant of God, Anne Mary Lapini, Franciscan Tertiary, foundress of the Sisters of the Sacred Stigmata of Our Lord Jesus Christ.

Tuesday, August 14, 1917, at the Most Eminent and Reverend Lord Cardinal Francesco di Paola Cassetta, Promoter of the cause for beatification and canonization of the Venerable Servant of God, Mariano of Rocca Casale, lay professed of the Order of Friars Minor, the Preliminary Congregation of the Sacred Rites was held, in which, by the Reverend Prelates Officials and the theological Consultors of the same, the doubt concerning the heroism of the virtues, exercised by the same Venerable Servant of God, was discussed.

[*Latin ed. p. 477*]

Diarium Romanae Curiae 477

SECRETARIATUS STATI

NOMBINA

Per mandata Secretariatus Statis, Sanctissimus Pater dignatus est nominare:

14 Augusti, 1917.

Illustrissimus Dominus Cardinalis Philippus Giustini, Protector Tertiarum Franciscanarum Sacrae Familiae de Dubuque.

23 Augusti, 1917.

Dominus Henricus Salvadori, Consultor Sacrae Congregationis Seminariorum et Universitatum Studiorum.

Per Brevia apostolica, Sanctissimus Pater dignatus est nominare:

Assistens ad Sedem Apostolicam:

7 Augusti, 1917.

Dominus Ioannes Von Euch, Episcopus titularis Anastasiopolitensis et Vicarius Apostolicus Daniae.

Protonotarius apostolicus ad instar participantium:

8 Augusti, 1917.

Dominus Franciscus Amato Boull, ex Dioecesi Quimperi.

Praelati Domestici S. S.:

31 Ianuarii, 1917.

Dominus Ladislaus Dvorak, ex Dioecesi Budweisi.

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24 Februarii, 1917.

Dominus Iosephus Tittel, ex Archidioecesi Olmutzensi.

4 Maii, 1917.

Dominus Gulielmus Ludovicus Pape, ex Dioecesi Sioux-City.

Dominus Michael Kolossvary, ex eadem Dioecesi.

Dominus Iosephus Podhoranyi, ex eadem Dioecesi.

Dominus Carolus Bancroft Murray, ex Dioecesi Kingstoniensi.

16 Iunii, 1917.

Dominus Ioannes Baptista Benedetti, ex Archidioecesi Urbini.

18 Iulii, 1917.

Dominus Caesar Gasperini, ex eadem Archidioecesi.

Dominus Franciscus Parrillo, Defensor Vinculi apud Tribunale Sanctae Rotae.

Dominus Michael Ryan, ex Archidioecesi Adelaidensi.

29 Iulii, 1917.

Dominus Georgius Williams, ex eadem Archidioecesi.

Dominus Titus Pagliccia, ex Dioecesi Pennae.

3 Augusti, 1917.

Dominus Augustinus Pieper, ex Dioecesi Paderbornensi.

[*Latin ed. p. 478*]

478 Acta Apostolicae Sedis - Commentarium Officiale. HONORS. By Apostolic Briefs, the Holy Father has deigned to confer the following honors:

The Order of Saint Gregory the Great, Commander's Class: August 18, 1917. To the Most Noble Marquis Giovanni Pellegrini Quarantotti, Exempt Major Aide in the Corps of the Noble Guards of His Holiness.

The Order of Saint Gregory the Great, Knight's Class: August 22, 1917. To the Most Noble Marquis Pietro Pellegrini Quarantotti, Noble Guard of His Holiness.

The Order of Saint Gregory the Great, Commander's Class, Civil Branch: June 1, 1917. To the Reverend Gustavo Eller Vainicher, of the Archdiocese of Naples. July 26. To the Reverend Doctor Carlo Melchiorre Hopmann, of the Archdiocese of Colonia. August 1. To the Reverend Knight Giovanni Battista Bavassano, of the Archdiocese of Bologna. August 3. To the Reverend Knight Massimiliano Siegert, of the Archdiocese of Munich. August. To the Reverend Dedjazmatche Moulou Guiéta, Minister of Foreign Affairs in Ethiopia. August 18. To the Reverend Professor Ottone Fischer, of the Diocese of Breslau.

The Order of Saint Gregory the Great, Commander's Class, Military Branch: August 22, 1917. To the Reverend Knight Tito Arcangeli, Major of

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the Honorary Palatine Guard.

The Order of Saint Gregory the Great, Knight's Class, Civil Branch: May 3, 1917. To the Reverend Doctor Pietro G. MoyIan, of the Archdiocese of Philadelphia. July 27. To the Reverend Guglielmo Niemann, of the Diocese of Hildesheim. August 1. To the Reverend Alessandro Zuccheri, of the Archdiocese of Bologna. August 3. To the Reverend Gaspare Canisio, of the Diocese of Paderborn. August 10. To the Reverend Ottavio Ianni, of Roma.

The Order of Saint Gregory the Great, Knight's Class, Military Branch: August 22, 1917. To the Reverend Vincenzo Orreca, Lieutenant of the Honorary Palatine Guard.

[*Latin ed. p. 479*]

From the *Diarium Romanae Curiae* 479, concerning the Knighthood of the Order of St. Sylvester, Pope: July 26, 1917. To Mr. Nicola Bottaro, of the diocese of Sira. August 18: To Mr. Catello Starace, of the diocese of Castellammare di Stabia.

THE PAPAL HOUSEHOLD: By Letters from His Eminence, the Reverend Monsignor, the Papal Chamberlain, the Holy Father has deigned to appoint:

Extraordinary Secret Chamberlains to His Holiness:

January 15, 1915. Mons. Vincenzo Miossevich, of the archdiocese of Zara.

Mons. Angelo Piasevoli, of the same diocese.

May 28: Mons. Giovanni Dantas Ferreira Lima, of the archdiocese of Fortaleza.

July 4, 1917. Mons. Giuseppe Nunes da Silva Camerro, of the archdiocese of Bahia.

Mons. Giovanni Alfredo Furtado, of the archdiocese of Fortaleza.

Mons. Francesco Solinas, of the diocese of Alghero.

Mons. Michele Filia, of the same diocese.

July 20: Mons. Mainardo Van Oss, of the diocese of Bois-le-Duc.

August 1: Mons. Antonio Corvo, of the dioceses of Corneto and Civita Vecchia.

Mons. Ivo Benedetti, of the same dioceses.

Mons. Alfonso Zagni, of the archdiocese of Bologna.

August 2: Mons. Giuseppe Florczak, of the diocese of Wladislavia.

Mons. Domenico Maielli, of the diocese of Troia.

August 14: Mons. Domenico Marziale, of the same diocese.

Mons. Antonio Réboli, of the diocese of Piacenza.

Mons. Raffaele Chiucchi, of the diocese of Fabriano.

August 22: Mons. Michele Leon Prado, of the archdiocese of Santiago of

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Chile.

Honorary Chamberlain, wearing the peacock blue attire of His Holiness:

August 16, 1917. Mons. Arturo Quattrucci.

August 17: Mons. Guglielmo Ormond, of the diocese of Auckland.

[*Latin ed. p. 480*]

480 Acta Apostolicae Sedis - Commentarium Officiale, August 16, 1917.

Mons. Giovanni Floersh, of the diocese of Nashville, United States.

18. Mons. Giambattista Bernardini, of the diocese of Tivoli.

18. Mons. Amedeo Bussi, of the same diocese.

Chaplain of Honour to His Holiness: August 21, 1917. Mons. Bernardo De Felicis.

NECROLOGY, August 1917.

Mons. Nicola Matz, Bishop of Denver (Colorado, United States of America).

Mons. Leone Adolfo Lenfant, Bishop of Digne.

Mons. Luigi Enrico Izquierdo y Vargas, Bishop of Concezione (Chile).

Mons. Antonio Lamberti, Bishop of Conversano.

Mons. Edoardo Tommaso O'Dwyer, Bishop of Limerick (Ireland).

Mons. Tommaso F. Kennedy, titular Archbishop of Seleucia d'Isauria.

[*Latin ed. p. 481*]

Year IX - Vol. IX, October 1, 1917, No. 10.

ACTA APOS TOLICAE SEDIS, OFFICIAL COMMENTARY.

ACT OF POPE BENEDICT XV.

BY APOSTOLIC LETTER, THE TOWN OF BRENTWOOD IS ERECTED INTO AN EPISCOPAL CITY, AND WITHIN IT, A BISHOP'S SEAT IS ESTABLISHED FOR THE NEW DIOCESE RECENTLY ESTABLISHED IN ENGLAND.

BENEDICT, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE:

The care of the Universal Church, entrusted to the Roman Pontiffs, impels them to establish new dioceses throughout the Catholic world, since this appears to be conducive to the greater benefit of the Lord's flock.

Therefore, since it has seemed opportune and necessary for the growth of the faith and for the greater good of souls, that the very extensive archdiocese of Westminster, in England, should be divided into two parts, and a new and distinct diocese should be formed, We, with the consent of Our beloved son, Francis, of the title of Saint Pudens, Cardinal of the Holy Ro-

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man Church, Bourne, the present Archbishop of Westminster, and supplementing, moreover, the interests or presumed interests of others, with the consent also of Venerable Brethren, Our Cardinals of the Sacred Congregation of Cardinals, have separated and divided the County or civil Province, which is called Essex, from the diocese of Westminster, and have constituted it a proper and distinct diocese, and have established and decreed it as a suffragan of the Metropolitan Church of Westminster.

ACTA, Vol. IX, No. 10. - October 1, 1917.

[*Latin ed. p. 482*]

4M Acta Apostolicae Sedis - Official Commentary. In anticipation of the Consistory to be held on the twenty-second day of the month of March of the current year of Our Lord one thousand nine hundred and seventeen, so that the matter might not remain unresolved for long and the benefit might be conferred, We have appointed Bernard Ward, a chosen son, as Apostolic Administrator of the new diocese, until such time as suitable plans are made concerning the new see and the cathedral church to be chosen, and other matters to be determined, having conferred upon him in the aforementioned Episcopal Consistory the dignity of Bishop, together with the titular Church of Lydda. At the present time, the Archbishop of Westminster and the Apostolic Administrator have considered it to be the best course of action to establish the episcopal see of the new diocese in the town of Brentwood, to establish the cathedral church there, and to designate the name of the new diocese from that place. Therefore, after mature deliberation, by the fullness of Our Apostolic authority, We erect the aforementioned town of Brentwood into an episcopal city and establish therein the episcopal see, with all the rights and privileges enjoyed by the other episcopal sees in England. Concerning the governance and administration of the new diocese, the power, authority, attributions, offices, rights, and duties of the new Bishop and his successors in the episcopate, as well as the rights and obligations of the clergy and the faithful, and other matters of this kind, We command that those things be observed which are established and prescribed by the Sacred Canons, and especially by the Council of Trent: with all other declarations subsequently issued by the Holy See to be observed as required by law, as in all other dioceses of England. Furthermore, We determine and decree that the boundaries of the new diocese of Brentwood shall be those which are currently held by the civil County, or Province, which is called Essex. Finally, We transfer the Venerable Brother Bernard Ward to the new cathedral church of Brentwood, and We appoint him as Bishop and pastor thereof, and We release him from the bond by which he is held to the titular episcopal Church of Lydda. These things, which have been decreed by Us with Apostolic authority, it is permitted to no man, at any time, to infringe or to oppose, or in any way to contradict. If anyone, may God prevent it, should presume

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to attempt this, let him know that he will incur the penalties prescribed by the sacred canons against those who obstruct the exercise of ecclesiastical jurisdiction. To ensure the execution of these matters, We entrust this to the aforementioned Cardinal Archbishop of Westminster, and We grant him the necessary faculties for this undertaking, including the power to delegate another man, constituted in ecclesiastical dignity, and to render a definitive judgment on any difficulty or opposition that may arise, with the obligation to report to Rome to the Sacred

[*Latin ed. p. 483*]

Acta of Pope Benedict XV, 483. Within six months, a congregation is to be held, and a truly authentic form, for absolute execution of this mandate, is to be transmitted. Finally, we decree that these present letters shall be valid, notwithstanding any contrary provisions, even those with special and explicit mention, to the contrary. Given in Rome, at Saint Peter's, in the year of Our Lord 1917, on the twentieth day of the month of July, in the third year of Our Pontificate.

[Signed:]

Cfr Plumbi O. CARD. CAGIANO DE AZEVEDO, S. B. E., Chancellor.

C. CARD. DE LAI, Bishop of Sabina, Secretary of the Consistorial Congregation.

[Reference:] *Liguori*, *Moral Theology*, vol. XV, no. 40.

BY PAPAL ACT, A COMMISSION IS ESTABLISHED TO AUTHENTICALLY INTERPRET THE CANONS OF THE CODE.

BENEDICT XV, POPE.

Since We have promulgated the Code of Canon Law, compiled under the happy auspices of Our predecessor, Pope Pius X, not long ago, fulfilling the expectation of the entire Catholic world, the good of the Church and the very nature of the matter demand that, as far as possible, We take care that the stability of this great work is not, at any time, called into question, either by uncertain opinions and conjectures of private individuals regarding the true meaning of the canons, or by the frequent introduction of new laws. Therefore, Our intention is to address both of these inconveniences; and to accomplish this, with certain knowledge and mature deliberation, We establish and decree the following:

I. Following the example of Our predecessors, who entrusted the interpretation of the decrees of the Council of Trent to a group of Cardinals, We establish a Council or Commission, which shall have the right to authentically interpret the canons of the Code, but, in matters of greater importance, after hearing the Sacred Congregation to which the matter pertains, which shall be presented for discussion to the Council. Furthermore, We wish this

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Council to consist of several Cardinals of the Holy Roman Church, one of whom shall preside over the group, to be chosen by Our authority and that of Our successors; to these shall be added...

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis - The official commentary states that a virtuous man, who will be part of the Sacred Council, will be designated by the Acts, along with several consultants from both the clergy, experts in canon law, with the same authority; but the Council will have the right to request the opinion of consultants from the Sacred Congregations, for each matter. II. The Sacred Roman Congregations shall not introduce new general decrees, unless a grave necessity of the entire Church dictates otherwise. Therefore, their primary function in this matter will be to ensure that the prescriptions of the Code are scrupulously observed, and, if circumstances warrant, to issue instructions that provide greater clarity and effectiveness to those same prescriptions of the Code. Such documents shall be prepared in such a way that they are not only clear, but also appear to be explanations and supplements to the canons, which is why they should be appropriately included in the context of the documents. III. If, over time, the good of the entire Church requires that a new general decree be established by a particular Sacred Congregation, that same Congregation shall draft the decree, and if it differs from the prescriptions of the Code, it shall inform the Supreme Pontiff of such a discrepancy. The decree, once approved by the Pontiff, shall be presented by the same Sacred Congregation to the Council, which shall then draft a canon or canons, according to the meaning of the decree. If the decree deviates from a prescription of the Code, the Council shall determine to which law of the Code the new law should be added; if the decree concerns a matter about which the Code is silent, the Council shall determine where the new canon or new canons should be inserted into the Code, with the number of the canon that immediately precedes, repeated three times, thus, etc., so that no canon is moved from its place and the series of numbers is not disturbed in any way. All of these matters, immediately after the decree of the Sacred Congregation, shall be recorded in the Acta Apostolicae Sedis. We believe that we have prudently decreed these things for this purpose, and we will and order that all of these things, as they are decreed, remain valid and firm: notwithstanding any contrary provisions. Given at Rome, at Saint Peter's, on the fifteenth day of the month of September, in the year 1917, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 485*]

Acta of Pope Benedict XV, 485. LETTERS I to Most Reverend Cardinal de Hartmann, Archbishop of Cologne, and to other Archbishops and Bishops who recently convened at Fulda for the annual meeting.

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Beloved sons and venerable brothers, greetings and the apostolic blessing.

Among the sorrows which increasingly afflict Our soul in these calamitous times, We have found a singular consolation in the common letter which, having assembled at the tomb of St. Boniface for the annual meeting, you recently sent to Us. Indeed, as if offering Us a consultation, you sought to make known to Us matters which could bring no greater joy to the heart of the Father, nor be more pleasing to the love of sons. And first, beloved sons and venerable brothers, you expressed your approval of the letters in which We urged those who govern the nations at war to strive for a just and lasting peace, laying down their arms, and to pursue it with all their might. At the same time, you pledged to do your utmost, and especially through the prayers of yourselves and your faithful, to support Our efforts for peace.

Furthermore, you rejoiced that the Code of Canon Law, which Our predecessor, the venerable and revered Pope Pius X, had happily begun and arranged, had been definitively promulgated by Us, and you confessed that you received it with particular reverence from Our hands. Moreover, you promised, and this is most pleasing to Us, that you would devote all your efforts to ensure that your priests know and apply it more fully each day to their own lives and to the lives of the people.

Nor did you consider it proper to pass over in silence the matters which We recently set forth concerning the proper conduct of sacred preaching; and since your letters attest that you will diligently strive to observe those things which We have prescribed concerning the proclamation of the divine word, know that We expect great fruit from them.

But all of these things clearly demonstrate that you have understood and comprehended Our will and intentions perfectly, and that you will faithfully and lovingly carry them out; and there could be nothing that We could approve more. Therefore, We congratulate you most sincerely, and We are also pleased that, mindful of the smallest of the Father's benefits, you also offer thanks for the oil, which is for your dioceses, for the sacred rites.

[*Latin ed. p. 486*]

486 Acta Apostolicae Sedis - The Official Commentary requires to be explained, and we have ordered that it be transmitted; we rejoice together, noting that this small gift has provided a reason for you, through prayers offered to God, so that He may repay to us the oil of consolation and strength, which may soothe the wounds of the heart and add strength in adversity. You will easily understand from whence we expect the greatest consolation in these times. Therefore, together with your people, strive to mitigate divine wrath through prayers and penance, and pray with us that the Almighty God may hasten to send down from heaven, like a white dove

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bearing an olive branch, that dove which will bring peace to the entire world, which is now absorbed in a terrible, bloody war. Uttering these prayers and beseeching blessings and good fortune for you and your congregations, we reciprocate your filial love with paternal affection, and we also impart the apostolic blessing to you and to each of your clergy and faithful, earnestly in the Lord. Given in Rome, at St. Peter's, on the seventh day of September, in the year 1917, the fourth year of Our Pontificate. BENEDICT XV. TO THE MOST REVEREND DOM JULIUS MAURITIUS, BISHOP OF SEDUNENSEM, AND OTHER BISHOPS OF SWITZERLAND, OFFERING THANKS FOR A LETTER FULL OF DEVOTION AND LOVE. Venerable brothers, greetings and the apostolic blessing. — Your common letter has been returned to Us, and as we read it, we felt our love for you grow, and the intention of thanking you is confirmed more and more, and finally, we hope for an even more abundant harvest of benefits for all the poor children of Christ through Our works and endeavors. Thanking you for the manifold care with which you have treated captive soldiers during this time of war, you have called Switzerland, « an island of peace », a most beautiful and well-deserved name. We prefer to call your hospitable land « a most beautiful theater of charity»; and we gladly bestow this praise, knowing that the generous virtue of the Swiss has accompanied Our paternal charity.

[*Latin ed. p. 487*]

Acta Benedicti PP. XV 487 The sentiments of gratitude, which you have so eloquently and earnestly expressed in response to the most recent demonstrations of Apostolic care, scarcely require further elaboration; they have deeply pleased Us; not because we seek praise for doing good to others, but because we have received from your approval a certain testimony that the fruits of Our labors have already yielded considerable results. We are especially pleased, and therefore render the highest thanks for the services rendered, and so that your piety may not be lacking in the bond of Our paternal affection, We impart to you all, venerable brothers, and to each of the flocks entrusted to you, with a willing heart in the Lord, the Apostolic Benediction, a gift of heavenly blessings. Given in Rome, at St. Peter's, on the seventh day of September, in the year 1917, in the fourth year of Our Pontificate. BENEDICT XV.

[*Latin ed. p. 488*]

488 Acta Apostolicae Sedis - Official Commentary ACTA 88. SACRED CONGREGATION CONSISTORY I OF FLORENTINE AND FIESOLEAN CIRCUMSCRIPTIONS. DECREE Concerning the boundaries of the dioceses and parishes. For some time, a controversy has arisen between the parish of Florentine, commonly called Cercina, and the parish of Fiesole, commonly called Maccioli, concerning the boundaries by which the afore-

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mentioned parishes, indeed, the dioceses of Florence and Fiesole, are separated from each other. Therefore, Our Most Holy Lord Pope Benedict XV, with the consent of the present Ordinaries of Florence and Fiesole, in order to remove all doubt and to prevent the occasion of future contention, with certain knowledge and mature deliberation, by the fullness of apostolic power, has established and decreed the following. Maintaining the same boundaries that each diocese possesses by law or by fact, the limits between the Archdiocese of Florence and the Diocese of Fiesole shall be established by the road commonly called Strada Bolognese, up to the beginning of the road commonly called Uccellatolo. However, the parish of Fiesole at Maccioli shall retain jurisdiction over the hamlets near the oratory at Fontesecca, and the boundaries shall be marked beyond which the jurisdiction of said parish priest shall not extend; the remainder of the territory, concerning which the question arose, shall be granted to the parish of Florence at Cercina; documents pertaining to the matter shall be kept in the episcopal curias, and in both parishes, so that future contentions may not arise. In order to carry out what is contained in this decree, the same Most Holy Lord has deigned to appoint His Eminence and Reverend Father, D. Alphonsus, Cardinal Mistrangelo, Archbishop of Florence, and also Reverend Father D. Ioannes Fossa, Bishop of Fiesole, granting them the necessary and appropriate powers, including the power to delegate, in order to achieve the purpose in question, and imposing upon them the obligation to send to this Sacred Consistory an authentic copy of the completed execution within three months.

[*Latin ed. p. 489*]

Most Holy Congregation Consistorial, 489: Finally, concerning the matter at hand, this Consistorial Decree has been issued, possessing the same validity as if Apostolic Letters had been dispatched under the seal, notwithstanding any contrary provisions, even those deserving of special mention or derogation. Given in Rome, from the Secretariat of the aforementioned Most Holy Congregation, on the twenty-fourth day of August in the year 1917. C. CARD. DE LAI, Bishop of Sabina, Secretary. L.©S. Ioannes Bapt. Rosa, Substitute.

DECREE CONCERNING THE BOUNDARIES OF THE DIOCESES AND PARISHES OF FLORENCE AND FIESOLE. It is known that a dispute has existed for some time between the parish of Saint Gervasius in Florence and the parish of Saint Dominic in Fiesole, concerning the boundaries by which the aforementioned parishes are separated from each other, as well as the boundaries that separate the Dioceses of Florence and Fiesole. In order to remove all doubt, to end the disputes, and to prevent them in the future as much as possible, Our Most Holy Lord Pope Benedict XV, with the consent of the present Ordinaries of Florence and Fiesole, has, with certain knowledge and mature deliberation, decided and decreed the following,

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using his full Apostolic authority.

The boundaries, which today are considered to be those of both dioceses, shall extend up to the house of Tenni, near the road of Saint Dominic. From this place, the boundaries of each diocese shall be established by the aforementioned road of Saint Dominic, descending until it reaches the entrance of a small ditch which opens onto this very road of Saint Dominic, a short distance before the entrance to the inn called delle Lune. From the entrance of said ditch, the boundary between the two dioceses shall be established by a line that runs straight to the gates of the Villa Modigliani. If any houses are built in the future that are neither entirely to the right nor entirely to the left of the aforementioned line, that is, houses that intersect it, they shall belong to the diocese of Fiesole.

In order to ensure the execution of what is contained in this present decree, the same Most Holy Pope has deigned to appoint His Eminence and Lord, Alphonse, Cardinal Mistrangelo, Archbishop of Flo-

[*Latin ed. p. 490*]

490 Acta Apostolicae Sedis - Official Commentary: "Furthermore, it grants the same necessary and appropriate faculties to the Reverend Father and Doctor John Fossa, Bishop of Faesula, and charges him to send, within three months, to this Sacred Congregation a certified copy of the completed execution, and to those [mentioned previously], likewise. Finally, concerning the matter at hand, a Consistorial decree was issued, which shall have the same validity as if Apostolic letters had been dispatched under the seal, notwithstanding any contrary provisions, even those deserving of special mention or derogation. Given in Rome, from the Secretariat of the aforementioned Sacred Congregation, on the 24th of August, 1917. SB C. CARD. DE LAI, Bishop of Sabina, Secretary. John Baptist Rosa, Substitute.

III. CHANGE OF TITLE OF THE DIOCESE. Since the diocese of Alagoas has been divided into two parts, and the name "diocese of Penedo," from the town of "Penedo," has been assigned to one part, while the other part has retained the old name of Alagoas, which is proper to the entire state or civil province, in order to avoid confusion, a change of title for this diocese has been deemed appropriate. Therefore, Our Holy Father Benedict XV, with the consent of the Ordinary, has decided and decreed that this diocese, from the episcopal city of "Maceiò," should henceforth be called Maceiensis, according to custom. Thus, by this Consistorial decree, by the mandate of the same Most Holy Father, the name of the diocese of Alagoas is suppressed, and that diocese shall henceforth be called Maceiensis. Given in Rome, from the offices of the Sacred Congregation of the Consistory, on the 25th of August, 1917.

IV. PROVISIONS FOR CHURCHES. By decrees of the Sacred Congregation of the Consistory, Our Holy Father Benedict XV has provided for the

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following churches, namely:

August 29, 1911. — To the Cathedral Church of Ceneda, he appointed the Reverend Father Eugene Beccegato, formerly the titular Bishop of Sinop and Apostolic Administrator of the same diocese of Ceneda.

[*Latin ed. p. 491*]

Sacred Congregation Consistorial, 491, August 30, 1917. – To the titular bishop of the church of Tipasa in the province of Numidia, Reverend Henry Gray Graham, priest of the diocese of Glasgow, whom I have appointed as Auxiliary to Reverend James Smith, Archbishop of St. Andrews and Edinburgh. September 1. – To the cathedral church of Natal, Reverend Anthony dos Santos Cabrai, parish priest of the place commonly called Propria, and canon of the cathedral church of Aracay. September 15. – To the cathedral church of St. Martha in the Republic of Colombia, Reverend Joachim Garcia of the Congregation of Jesus and Mary (the Eudists). September 21. – To the cathedral church of Denver, Reverend John Henry Tihen, formerly Bishop of Lincoln. – To the cathedral church of Monterrey, Reverend John Cantwell, vicar general of the diocese of St. Francis in California. V. NOMINATION. By Decree of the Sacred Congregation Consistorial, the following was nominated: August 29, 1917. – Reverend Julius Vaccaro, Archbishop of Bari, as Apostolic Administrator of the diocese of Gonversana. SACRED CONGREGATION FOR THE COUNCIL OF TRANI. PARTICIPATION OR DIVISION. July 14, 1917. – In the cathedral chapter of Trani, where there is a common fund, revenues are also appropriately contributed to it, so that, together with other revenues and proceeds, they may be distributed among the chapter members. Therefore, on the last day of the archpriest, in August of the year 1908, this common chapter fund was to be increased by the sum of 4000 livres, which had already been deducted by the Government for its share.

[*Latin ed. p. 492*]

492 Acta Apostolicae Sedis - Official Commentary for the year, concerning matters to be settled. However, this sum was preempted by the heirs of the deceased archpriest, with the intervention of the Government; therefore, the aforementioned sum was claimed by the Chapter through a lengthy legal dispute. Finally, the Chapter, having emerged victorious from the court, obtained a favorable judgment in the second stage of appeal in the year 1916, by virtue of which the aforementioned heirs were condemned to restore the sum of 4000 livres to the Cathedral Chapter of Tran. The execution of this judgment was demanded without delay. While this sum, thus restored among the canons who were members in the year 1916, was divided proportionally, a certain honorary canon, arguing that the same sum claimed by him pertained to the revenues and accounts of the year 1908, during which time he was among the beneficiaries,

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requested that he be admitted to a share of the division or participation of the same sum in proportion to his share. The Chapter refused, and he brought a recourse to this Holy Congregation, requesting that he be heard and that it be declared whether the requested portion should be granted to the honorary canon in this case.

SYNOPSIS OF THE DISPUTE. - When the Chapter rejected the petition of the honorary canon, it relied primarily on a custom observed from time immemorial. The Chapter maintains that the profits and revenues to be distributed among the present members are those actually received during the year, even if they had matured in previous years (or, as he puts it, "to distribute among the present members the 'revenues of the current year,' whether they come from the revenues of the current year or refer to anticipated revenues of previous years"). The canon, however, attacks this established custom, both in fact and in law. However, the entire basis of his argument proceeds from a prior distinction that he seeks to establish between, so to speak, common revenues and profits, pertaining to ordinary administration, and therefore with a high probability of occurring each year, so that what is perhaps lost in one year can easily be obtained in another; and, conversely, eventual profits, occurring outside the ordinary course in a given year, so that if they are once lost, there is scarcely or almost never an opportunity to obtain them again in the future. With this premise established, the canon easily argues that the asserted custom is either not sufficiently proven in fact, or is entirely unacceptable in law in this case, because, although the Chapter presents an ordinary method of calculation observed from time immemorial to prove the custom, it does not demonstrate any case in which extraordinary revenues—

[*Latin ed. p. 493*]

The Sacred Congregation of the Council, considering the matter, which is the cause of the present controversy, observes. Indeed, extraordinary circumstances, by their very nature, escape the ordinary rules and customs that are normally observed; but, as they arise outside the ordinary course of events, they require special provisions in each instance. And, as the petitioner himself states, as far as he can recall, even in the Chapter of Trani, these extraordinary events were always handled in a particular way, according to the circumstances. However, the petitioner argues that the custom claimed by the Chapter, namely, the indiscriminate distribution of profits actually received among the present members, even if those profits were due to be received by others who are now absent, constitutes a manifest injustice and is therefore to be condemned. Indeed, the fundamental precepts of justice are to give to each his due and to do no harm to another. Therefore, according to the strict letter of the law, each person is obligated to receive the fruits that are due to him, that is, those that are ripe and due; it is permissible, indeed, for a just reason, to transfer

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even those fruits, although ripe, to one's successor, but this is only done with justice when the successor himself consents to it, and has previously perceived a similar benefit, so that what he now loses, he has previously received through some compensation: in this case, with equality preserved, there is no violation of rights. Therefore, applying this to our case, the custom that is claimed, namely, the annual distribution of profits actually received, even if those profits were ripe in previous years, can only be maintained if it concerns profits that are placed in the first category, that is, those that occur in a certain order and which almost always occur each year, so that they allow for compensation between what is lost and what is received; but not for those that are in the second category, or for those that occur entirely outside the ordinary course of events, without any law, and which rarely occur, even once, over a long period of time: for in these cases, there is absolutely no remedy of compensation, and nothing remains but the unjust enrichment of one person at the expense of another, which the sacred canons and rules of morality clearly detest. It cannot be argued that this violation of rights is permissible because of the common good that is brought about by a more convenient method of calculating names, since it would be entirely inconvenient to pursue the rights of the absent and to overturn, re-examine, and bring into question accounting methods that have already been completely settled and finalized. For a greater benefit is not a sufficient reason to violate the rights of each, especially if the violation is very serious: it is true that a minor private detriment should not outweigh the public good, according to the saying of the Praetor "de minimis non curat"; but a true and serious violation of rights is also condemned by the administrator.

[*Latin ed. p. 494*]

494 Acta Apostolicae Sedis - An official commentary, which all diligent students should carefully examine, or at least diligently consider. Moreover, in the matter under discussion, it may be tolerated, for the sake of a more convenient method of calculation, that a certain small sum, even if it comes at an inappropriate time, be lost by the one entitled to it, and obtained gratuitously by another, even without private compensation; but when a certain significant sum is involved, as in the present case, to the extent that a serious violation of rights, or a serious loss to one, would result from the unjust enrichment of another, equity, and indeed canon law, does not permit such a thing, but rather forbids it, and commands that some particular provision be made for the case at hand; for every rule must allow for exceptions. Thus far, the recurring chapter. Furthermore, the chapter emphatically asserts and proves with many arguments the established custom "of dividing the revenues of the administration, whether they come from the income of the current year, or whether they refer to the revenues of previous years," and it proves this not only in general, but also from the

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fact of the recurring chapter itself, which, as long as it was among the participants, namely from the year 1907 to 1914, recognized this custom and availed itself of its benefits without any difficulty or reservation; indeed, it participated in many, even substantial, fruits which were ripe in previous years, without any concern for the heirs or others to whom the right to receive the fruits might pertain; moreover, when some things were later to be returned, which had been improperly received by the chapter members before 1914, it felt no burden in this regard, but rather allowed the chapter members acting after 1914 to fully bear this burden. Therefore, the chapter denies the recurring chapter the right to intervene, which in this case would be contrary to its own actions - a clear argument of dubious faith. Moreover, the recurring chapter, each year, by signing the accounting statements with its own hand, and in its departure from the number of participants, by declaring that it owes nothing at all to the chapter, although it was fully aware that several sums, and specifically the amounts owed by the heirs of the archpriest, were still outstanding, must be considered to have ratified the customary practice in question, and to have renounced all those things about which it now raises objections. But also, with regard to the point of law, the chapter absolutely denies that the asserted custom is unjust, violates a legitimate right, and is therefore to be condemned. First, from the very argument of the recurring chapter, which is forced to admit, at some point, that injustice and a violation of rights arise when it comes to small sums and ordinary matters, and that it only urges its accusation if it is a question of significant and extraordinary amounts. Moreover,

[*Latin ed. p. 495*]

The Holy Congregation of Councils has ruled in 495, or fewer, cases; therefore, if new canons unjustly deprive those who were to receive sums from ancient capitular funds, now held by deceased or absent individuals, of any profit whatsoever, to which they were rightfully entitled, it will also be unjust to attribute any profit to them. Nor is the objection valid that there is no difference whether the compensation is lacking or is present between what is lost and what is gained: for such compensation, which is sufficient to maintain equality, is always available, even in extraordinary circumstances, through a tacit agreement that underlies this type of transaction, namely, to equalize burdens with benefits; so that whoever renounces his right to receive a certain sum for one year, intends to be equally relieved of the losses that are postponed from that same year to subsequent years. This tacit agreement, and the resulting compensation, applies equally to extraordinary as to ordinary events: just as there can be extraordinary profits, so too there can be extraordinary losses; therefore, whoever is compelled to renounce [his right] while being relieved [of the loss], should be considered to have obtained sufficient compensation of the same kind. Examining the matter more closely, the question is reduced to

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this: whether, in each individual case, the right pertains to the capitular fund to receive or to seek the proceeds or fruits, or to remit them to the mass, or rather, only to what has already been received or has already been contributed to the mass. This question is not to be defined by the law that pertains to the Chapter, as such, or to the capitular mass, for it is certain, and it follows from the very terms of the question, that the same pertains to the proceeds to be received; but, nevertheless, by a common, as it were, understanding, in at least those Chapters whose mass is common, the right is not granted to individual Chapters except for the proceeds and fruits as they actually exist in the mass, and therefore, only for what has already been received. In other words, as is commonly distinguished, the ratio of what is foreseen to be received and spent differs from the ratio of what is effectively calculated as received and spent (as is commonly said, "bilancio preventivo dal consuntivo"); and the purpose or goal of these ratios is sharply distinguished, in that one is only to foresee the future and to take precautions not to spend more money than is expected to be received, while the other is to demonstrate the proceeds that can be distributed in proportion to the members; so also, in Chapters that are governed by a common mass, what must be distributed to the Chapters, and what they have a right to, is what, after all expenses have been paid, actually remains in the mass. For the common mass of the society somehow reflects the nature of the society; and in a society - as also taught by the Rota, decree 66, n. 18, p. X, rec. - "an agreement to divide among the members is understood only as..."

[*Latin ed. p. 496*]

496 Acta Apostolicae Sedis - Official Commentary "regarding what remains, after having previously calculated all receipts and expenditures." If you maintain the opposite view, you will be hindered by innumerable and inextricable difficulties: not only will you be forced each year to re-examine, amend, and completely overturn the accounts of previous years, which have already been closed and sealed, but you will also impose burdensome obligations and damages, both in terms of assessment and of actual matters, upon your successors. Our own case provides a sufficiently clear example: you have a sum of 4000 livres, to be received from the year 1908, which, however, was actually received and included in the treasury only in the year 1916; if those who were members of the Chapter in the year 1908 are the only ones who have a right to it, not only must the account of receipts and expenditures for the year 1908 be re-examined, but it will also be necessary to summon former Chapter members, or, if they are deceased, to investigate those who have a claim from them, so that the right of each may be granted; but what if the legitimate heir, or the heir's heir, and so on, has moved to another region, or is a minor, or is under guardianship? And if such inconveniences are inherent in the very nature of the sum to

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be collected, what can be said if, conversely (for the principle will be the same), we were to consider a sum to be collected; for example, in the case of expenses incurred in a lawsuit against the heirs of the archpriest, hypothetically, after three unsuccessful attempts? (for lawsuits have their own peculiarities!). Would it be easy to bring the heirs of the Chapter members, about whom we spoke earlier, to bear these expenses? And if it were necessary to compel them to fulfill this obligation, which corresponds to a right claimed from the region, how many curses, how many recriminations, how many scandals and lawsuits would result! These very serious evils, which would impede or even make impossible the administration of any family affair, sufficiently demonstrate, either by the very nature of the matter, or at least by tacit convention, that each Chapter member, where a common treasury exists, acquires a right only to the revenues actually contributed to that treasury, and that, after expenses have been paid, the remainder, in substance and in effect, belongs to it. Therefore, in the case of the sum of 4000 livres, if, due to the fault of the Chapter, it was not included in the treasury in the year 1908, and therefore was not included in the account of receipts and expenditures for that year, by all Chapter members, except the one in question, duly signed and approved, it follows that the one in question did not acquire any right to it. Therefore, he unjustly complains of an injustice, if there was a distribution made in the year 1916, when the sum was actually included in the treasury, but he himself had not been counted among those participating for two years already.

RESOLUTION. - With this preliminary discussion, it was proposed in the plenary meetings held in the Apostolic Palace in the Vatican on July 14, 1917,

[*Latin ed. p. 497*]

497 The Holy Congregation of the Council was presented with a doubt: Whether a recurring portion should be granted to a priest in such a case. The Fathers of the Holy Congregation of the Council judged that the answer should be: No. However, after a report was made to His Most Holy Lord, Pope Benedict, of the Most Reverend Province, by the undersigned Secretary of the Holy Congregation, in a hearing on the 16th day of the same month and year, His Holiness deigned to approve the decision of the Fathers. I. MORI, Secretary. II. CIVITATIS CASTELLI and ALATRINA Cathedratic. On March 11, 1911, from the part of the pastors of the diocese of Civitas Castelli, petitions were presented to this Holy Congregation, recommended by the new Bishop, so that, with their favor, a sum might be granted for pious purposes, whatever amount the pastors might have been obliged to pay under the title of the cathedratic during the last vacancy of the Episcopal See. Shortly thereafter, the Vicarius Generalis, administrator of the diocese of Alatri, with the See vacant, presented letters to this same Holy Congregation, in which he reported that some pastors had refused

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to pay the cathedratic to the aforementioned Apostolic Administrator, alleging that such payment should only be made to the Bishop. Both situations were presented to the Fathers, so that, according to their judgment, a response might be given to the petitioners. FACTS OF THE MATTER. – In this matter, it was noted beforehand that the questions in question should be considered and resolved solely according to common law, without any regard for any additional or particular circumstances, which the canons of law can regulate. Indeed, although the cathedratic is a privilege so established in law that it cannot be entirely remitted even by the Bishop himself, nor abolished by contrary custom, nevertheless, custom or usage is not disapproved of, by which the burden of paying the cathedratic may be lessened, or by which it may not be demanded every year, as is known, from the calculations of Pope Benedict XIV, De Syn. Dioec. lib. V. cap. 7, n. 8. But in the matter presented by the petitioners, or pastors of the diocese...

OBSERVATIONS. ACTA, vol. IX, n. 10. – 1-10-917. V 32

[*Latin ed. p. 498*]

498 Acta Apostolicae Sedis - Commentarium Officiale concerning the city of Città di Castello, or the Alatrian General Vicar, did not indicate any practice different from that observed in the Cathedral chapter's payment, when the Episcopal See is vacant; therefore, their consultation seemed to be intended only to ascertain what the law is regarding this matter, and what should be maintained, in the case where it is not explicitly and definitively established in law. It was also noted that, although in chapter 16, concerning the office of the ordinary index, and elsewhere, the law provides that the Cathedral chapter is to pay to the Bishop, and that this is considered among the episcopal rights, nowhere is it expressly stated whether such a payment is also due to the Chapter, or to the General Vicar or Apostolic Administrator, when the See is vacant, or whether this burden does not fall on the part of the parish priests or beneficiaries, or whether it is to be observed by them, and to be paid to the Bishop in the future. Therefore, it was proposed that answers to these questions should be derived from general principles of law, namely, by examining the nature and purpose of the payment due to the Bishop by the Cathedral chapter, and the nature of the office of the Capitular Vicar and the Apostolic Administrator, so that it could be concluded whether such a payment is appropriate for them. Indeed, as is commonly heard among learned men, the Cathedral payment is "a certain sum, not by reason of ordination, but customarily paid to the Bishop each year, as a sign of submission, and in honor of the Cathedral, to support the burdens of the same Cathedral, or Episcopal office" (Benedict XIV, op. cit., lib. V, cap. 6, n. 2). This payment is sometimes called the Synodical payment, sometimes the Paschal payment, as can be seen both from the aforementioned chapter concerning Honorius III, who says: "By the name of 'Synodical' or 'Cathedral'," and from chapter 20, formerly,

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concerning the censuses, where Innocent III investigates a dispute between the Bishop of Spoleto and the clergy of the town of Rupina regarding the amount of the Synodical payment. But these names do not indicate the nature of the Cathedral payment, as if it were a payment due because of a Synod, which the Bishop is obliged to hold each year; rather, these names arose because the Cathedral payment was customarily paid on the occasion of the Synod, which was ordinarily held after Easter, hence it was also called the Synodical or Paschal payment. However, the purpose for which the Cathedral payment was instituted by law was not other than that each beneficiary should annually demonstrate their submission to the Bishop and his Cathedral, following the example of those of whom the Evangelist Luke says, Luke 2:3, "And all went to be enrolled, every one into his own city." It cannot be said that there is difficulty in the fact that, as stated above by Benedict XIV, the Cathedral payment is due to the Bishop to support the burdens of the Cathedral or Episcopal office; for these words indicate the practical end to which that payment should serve, without thereby diminishing or eliminating that single purpose previously shown. And this is true, to the extent that even if that practical end were to cease in a particular case, as in

[*Latin ed. p. 499*]

The Holy Congregation of the Council to a Bishop, who, though possessing a more ample income (censibus), is nonetheless obligated to pay the Cathedratic, unless, indeed, he receives charitable assistance or, due to necessity, is relieved of this obligation by the Bishop. Having explained the nature and purpose of the Cathedratic, it now becomes clear that it can pertain only to one Bishop, excluding others; for that close bond which binds the subjects to render obedience to their Superior, and upon which the Cathedratic is levied, is understood to pertain solely to the Bishop, who is the true spouse of his Church, through a certain spiritual marriage which he entered into with her, and the proper pastor of the flock entrusted to him. Furthermore, the Cathedratic is due to the Bishop not only as a sign of submission, but also in honor of the Episcopal Cathedral. But what is meant by this term is explained by Gonzales in chapter 9, paragraph 1, title 34, concerning incomes (censibus), where he says: "This payment is called the Cathedratic because it is paid to the Bishop in honor of the Cathedral." And the Cathedral, in the sacred canons, "signifies the principal office of the Bishop." Indeed, the principal office of the Bishop consists in the power of teaching, which is intimately connected with the divine precept given to the Bishops to feed the flock entrusted to them. Nor can this be contradicted by the fact that sometimes the Cathedratic is received by the Bishops as a pension due to them, as a mark of honor which should be given to the Cathedral Church, as declared by St. Charles Borromeo in his Synod (Act. Eccl. Medici., part. %, p. 346): "It is established by the Holy Canons that

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from each parish in the diocesan Synod, two solidi should be collected in the name of the Cathedratic, and this is as a mark of honor which is customarily given to the Cathedral Church, as to a Mother, by the other parochial and ecclesiastical bodies." Indeed, the Cathedral Church is commonly understood in law to designate either the seat of the Chapter, or the seat or Cathedral of the Bishop. But it is clearly taught by Francés, in *De Eccl. Cathed.*, chapter 15, paragraph 181, that, in the matter under consideration, the Cathedral Church, for whose honor the Cathedratic is to be paid, refers to the Bishop's seat, or the Episcopal Cathedral. Just as the supreme office of the Pope is commonly called the Apostolic See, or simply the Chair of Peter, so too, the Cathedral Church, or the Episcopal Cathedral, by its name, indicates the principal office of the Bishop, namely, the office of teaching. From what has been discussed thus far, it appears clear that the Cathedratic, whose nature and purpose is to be paid as a sign of submission and in honor of the Episcopal Cathedral, belongs solely to one Bishop, and is due only to that one Bishop, excluding all others. With this question resolved, other questions arise, namely, whether the Cathedratic, from those who are subject to this obligation, is also due to the Episcopal See.

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis - Regarding the official commentary concerning the situation when the episcopal see is vacant, and to what extent it ought to yield, either with the favor of the Capitular Vicar or the Apostolic Administrator, or rather, whether it should be reserved for the future Bishop. Furthermore, from the foregoing considerations, one arrives at the necessary conclusion that the Cathedraticum is not due when the episcopal see is vacant. Indeed, when the sponsor and pastor of the Church are lacking, and consequently, the one to whom the duty of honor and obedience is due, the obligation itself, by the very nature of the matter, does not seem to arise. However, some difficulty may arise from what is read in Clement VI, chapter "Statutum," concerning elections and the elected. "We declare that the decree concerning the goods granted to cathedral chapters of regular and collegiate churches, which, when the time of their vacancy arrives, are to be faithfully reserved for future successors, applies to every emolument which proceeds from the jurisdiction and seal of the ecclesiastical court, or from secular sources, or from any other source, which pertains to prelates (when the Church is not vacant)." Through this canon, it has been repeatedly decreed by the Holy See: "Emoluments arising from the jurisdiction and seal, or from any other source, during the vacancy of the episcopal see, do not pertain to the Chapter, nor to the Vicar, but are freely reserved for the future successor, if they pertain to the Bishop, when the Church is not vacant." Thus, in Agrigento on November 17, 1594, and most recently in Emolumentorum, on February 23, 1856 (Thesaurus

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Resolutionum S. C. G., vol. CXV, p. 76). From this, it could be deduced that the Cathedraticum should be considered among those emoluments which accrue to the Bishop when the see is filled, either from jurisdiction or from other sources, and which, even during the vacancy of the see, should be paid by those obligated, but reserved for the future Bishop. But, notwithstanding this, it seems that the Cathedraticum should be retained, due to its particular nature, which, up to now, has been exempt from the established norm, and therefore, it is not due to the Bishop unless from the day he takes possession of his Church, when, indeed, through the spiritual marriage celebrated with the Church, he becomes the true sponsor and pastor of the flock entrusted to him, and therefore, he may rightfully demand the sign of subjection and honor. This is deduced primarily from certain resolutions of the Holy Congregation, which seem to establish this, not in ambiguous terms. Thus, in Amalphitana, concerning the Cathedraticum, on November 5, 1707, to the question: "From what time is the Cathedraticum due?", the answer was: "From the day of the possession." Similarly, it was decided in Camerinen, concerning the Cathedraticum, on March 18 and July 8, 1725. In later times, the question seems to have been defined more precisely. Indeed, in Anglonen and Tursien, Iurium, on July 31, 1852, the Bishop claimed that the Cathedraticum was due to him from the Collegiate Church of the locality of Rabatana, even for the time...

[*Latin ed. p. 501*]

The Holy Congregation of the Council, concerning the matter of the episcopal see which had been vacant, states that the Chapter, as is read in the aforementioned document, "does not entirely refuse to fulfill its obligation; but it objects that the Bishop's request was excessive, since he demanded the 'Cathedraticum' for the years 1847, 48, and 49, although the Bishop was elected on April 20th, and took possession of the diocese on June 23rd of the same year, 1849. The collegiate church, however, does not refuse to pay the 'Cathedraticum,' but believes that it is obligated to do so only from the date of the Bishop's taking possession of the diocese." Therefore, regarding the question: "whether and in what manner the aforementioned Chapter is obligated to pay both the 'Cathedraticum' and the charitable subsidy, which in this case is the 'Cathedraticum'," the Holy Congregation responded: "Regarding the 'Cathedraticum,' the answer is affirmative, from the date of the Bishop's taking possession; as for the charitable subsidy, it should be written to the Apostolic Nuncio, who should report on the custom of the diocese concerning the collection of the charitable subsidy" (cf. *Thesaurus*, cited, vol. CXÍ, p. 318, s.). It should be carefully noted in this decision that the Holy Congregation, before deciding regarding the charitable subsidy when the see is vacant, wished to be taught about the custom; but it did not require this regarding the 'Cathedraticum,' which, due to its particular nature, can only be demanded from the Bishop himself,

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who enjoys possession of his Church. Therefore, having established that the 'Cathedraticum' is due to the Bishop, and that it is not due to him except from the date of his taking possession of the diocese, another question remains, which concerns the right of the Capitular Vicar regarding the collection of the 'Cathedraticum' when the see is vacant. For it has been established, either by the nature of the 'Cathedraticum' itself or by numerous decisions of the Holy Offices, that it is neither due when the see is vacant, nor is it to be given to the Vicar. But one arrives at the same conclusion if one considers, even briefly, the nature of the office of the Capitular Vicar. For although he succeeds to the entire ordinary jurisdiction of the Bishop, except for those things which the law has reserved, or which are subject to limitations, it cannot be said that he is the pastor of the diocese or the spouse of the Church, but rather a temporary administrator of the vacant church. Therefore, the terms that were established by law for the 'Cathedraticum,' namely, "as a sign of submission and in honor of the Episcopal See, to support the burdens of the same See," are by no means applicable to him. Furthermore, although it is not of practical importance with regard to the Bishop, that distinction which the Glossary mentions in chapter 17, *Dilectus*, regarding the office of the Ordinary, between the law of jurisdiction and the diocesan law, in order to designate the entire power of the Bishop, may nevertheless be usefully invoked in this case. For, according to the aforementioned Glossary, those things which consist in giving, or conferring, or, as Ostiensis says, in action, belong to the law of jurisdiction, and these, at least generally, except for the limitations established by law.

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis - With the official commentary included, it is determined that the matters pertaining to the Vicarius Capitulari are to be considered within his competence. Conversely, those matters which consist in receiving, or, as the same Ostiensis states, in "sweet passion," such as demanding the Cathedraticum, the fourth part of tithes, offerings for the dead, and similar things, which constitute diocesan law, are entirely outside the competence of the Vicarius Capitulari. For he, besides the appropriate salary assigned to him, or to be assigned, either from the fruits of vacant churches, or from another source, has no right to those emoluments which would accrue to the Bishop, if the Church were not vacant, as is deduced from Clement. "Statutum" as cited above, and which are to be reserved for the future Bishop. But what is said concerning the Vicarius Capitulari, should also be applied to the Apostolic Administrator, established in the diocese during a vacancy of the see; for he possesses the ordinary jurisdiction which belongs to the Vicarius Capitulari, except perhaps for certain specific faculties granted by a brief. (Wernz, Ius Decret, 2, p. 820).

RESOLUTION. - Furthermore, after the matters were proposed at the

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plenary assemblies of the Most Reverend Fathers held in the Apostolic Palace at the Vatican on March 11, 1911, and after the prayers of the Parish Priests of Civitatis Castelli, and the representation of the Vicarius Generalis of Alatri, a rescript was issued concerning these matters: The Cathedraticum is not due when the see is vacant. This resolution of the Most Reverend Fathers was deigned to be approved and confirmed by the Most Blessed Pope Pius X, in an audience granted on the 13th day of the same month and year to the Secretary of the Congregation. Given at Rome, from the offices of the Sacred Congregation of the Council, on August 20, 1917. I. MORI, Secretary.

[*Latin ed. p. 503*]

In the Most Holy Roman Rota, I Vicariate Apostolic, Central District, concerning a matter of the Nullity of Marriage, under the blessed reign of Pope Benedict XV, in the third year of his pontificate, on the 10th of February, 1917, the Most Reverend Fathers, William Sebastiani, Dean, Ponens, Seraphinus Many, and Maximus Massimi, Auditors from Tournon, in the case of the Vicariate Apostolic of Central District – concerning the nullity of the marriage between Mary Liou, an actress, represented by her legitimate procurator, appointed by office, the Reverend Vincent Sacconi, advocate, and Joseph Shia, who intervened and argued in the case as the defender of the bond, having heard the arguments, rendered the following final judgment. Mary Liou, being scarcely 15 years of age, while working as a servant for the Heou family due to poverty, was betrothed by her mother to Joseph Shia, a young man of 16 years. After the betrothal, Mary learned of it two days before the celebration of the marriage, and she entirely resisted her mother's will regarding the marriage. Furthermore, in order to bend her will, her mother not only used persuasion, but also reprimands, beatings, and threats of death. To these were added the counsel and exhortations of Francisca Heou, who, as the wedding day approached, came to Mary, who was reluctant and resisting, and forcibly led her to the church and the altar. After the marriage was celebrated, the unfortunate girl, upon leaving the church, did not wish to remain with her husband for even a moment; indeed, fearing that she would be forced by her mother to resume conjugal life, she often thought of suicide. These things were reported to the Apostolic Vicar by the priest, John B. Heou, of the family in which Mary resided. With his authority, the tribunal was duly constituted, which, after a process conducted according to the law, declared the marriage between Mary Liou and Joseph Shia to be null. From this judgment, as is proper, an appeal.

[*Latin ed. p. 504*]

504 Acta Apostolicae Sedis - The official commentary was presented to the Most Holy Auditorium by the Reverend Defender of the Bonds of

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Matrimony, and today the cause for discussion is once again presented under the usual formula of doubt: Whether a marriage is null in this case. The law that applies. The Fathers noted that marriage cannot be entered into without the consent of both parties; indeed, as it is written in chapter 14, title "De sponsalibus et matrimoniis" ["Concerning Betrothals and Marriages"], "marriage is contracted solely by consent, and this distinguishes it from any other mere civil contract, in which, in that civil sphere, consent is sometimes supplemented by laws for certain reasons; but in marriage, no human power can supplement consent" (Pius VI to the Bishop of Agriensem, July 11, 1789). But since intention in the mind has no effect in human contracts, it is necessary that it be sufficiently and properly manifested. The Fathers of Trent established this form in the decree *Tametsi*, ordering that marital consent must be manifested before a priest, or another priest delegated by him, and before two or three witnesses; "those who contract otherwise, the Holy Synod declares to be entirely incapable of contracting in this manner." The purpose of the presence of witnesses is that the marriage may be proven; therefore, the presence of witnesses must be moral, that is, the witnesses must, in some sense, perceive that the parties intend to contract marriage, and that they have, in fact, contracted it. Therefore, even if it is customary to designate witnesses in each marriage, if, by chance, or for some other reason, the designated witnesses did not perceive the consent, provided that other witnesses are present who can testify to the consent, the marriage is valid, as was decided in Armerina, at the Sacred General Council, January 12, 1715. This canonical doctrine regarding the presence of witnesses has not been changed by the decree of Pius X, of blessed memory; therefore, it is still in force today. Furthermore, the Fathers noted that consent must be free, i.e., free from any coercion or fear, as is stated in chapters 14, 17, "and 28" of the aforementioned title. The last point is: "To your consultation, we briefly respond that women who come to the church doors to be married with the bridegroom, and there claim that they never consented to the marriage, (provided that the bridegroom legitimately proves the contrary), should not be heard, since the simple assertion of such women should not prevail over legitimate and suitable witnesses. Indeed, those who, after receiving the blessing, are soon driven away by the bridegroom, before carnal intercourse, claiming that they never truly consented to him, but that they uttered words of consent under duress, although they were dissenting in their minds, it is not immediately necessary to deny them a hearing, but rather, diligent inquiry must be made into the alleged duress, and if such duress is found to have been imposed, which could have caused them to fall into..."

[*Latin ed. p. 505*]

S. Romana Rota 505: "Constant men are to be heard without prejudice." Not only must the fear be grave, i.e., such as to overcome a constant man,

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but it must also be external, unjust, and directly aimed at extorting consent. This also applies to reverential fear, i.e., the fear of incurring the wrath of him in whose power we are, provided that something else is added, such as vexations, threats, quarrels, or importunate and prolonged prayers or persuasions. Now, to the facts. Although in her introductory pleading in the lawsuit, the plaintiff requests a declaration of nullity of the marriage under the grounds of force and fear, the Fathers of the Church nevertheless considered that they were not exceeding their proper function if, after considering what is contained in the procedural records, they instituted two other questions; namely, whether consent was present in the case, and, if affirmative, whether the consent was manifested in due form. I. First, it must be determined whether Maria Liou consented to the marriage; in this matter, all circumstances preceding, accompanying, and following the celebration of the marriage must be considered. Specifically, it is stated that the plaintiff's mother devised and prepared the marriage of her daughter with Joseph Shia in the manner of the pagan Chinese, that is to say, without ever having spoken to her daughter about the matter. The daughter does not realize that her marriage is being arranged until she sees it being prepared, and only two days before the celebration. Immediately, she manifests her opposition to this marriage, because she wished to live "in the manner of virgins" in her "paternal home." To overcome her daughter's opposition, the mother uses curses, reprimands, and beatings, leading to serious quarrels between mother and daughter, but the daughter does not yield. "When she resisted the advice given to her by her mother," says the mother, "I reprimanded her and beat her. My daughter is stubborn in her 'decision'; after the reprimands and beatings, she did not say that she wanted to enter into the marriage." She "often argued with me and affirmed that she did not want to." "She never changed (her mind)." Therefore, force must be used to take her to the church. Francisca Heou, with whom Maria was staying, forces her, against her will, to get into a carriage, as Francisca herself states: "I myself made her get into the wedding carriage," and she also forcibly removes her from the carriage and carries her, as it were, to the church. In the church, when she refused to go to the altar, the same Francisca pushed her and almost dragged her to the altar; this is confirmed by numerous witnesses who were present in the church. Thus, says Petrus Ming-Teu-Ly: "I saw the girl kneel 'far from the man,' and the mother of Mr. Heou embracing her near the man." Thus also says Petrus Chekenn-Eul: "The girl did not cry, but..."

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis - Commentarium Officiale: "She was urged to approach the altar and the matron Heou forcibly led her to the 'altar of communion.' Likewise, Petrus Heou-Lao-Mei, who was present as a witness to the marriage, stated: 'The girl was urged to approach the al-

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tar, but the matron Heou pushed her.' Finally, Rev. Marecaux, who performed the marriage ceremony, stated: 'I observed that the matron Heou pushed the girl and thus 'led' her to the altar; it is likely that the girl did not want to, so that the matron Heou 'carried' her.' And this continued until the very celebration of the marriage. However, when the priest asked her about her consent, she initially did not respond, which aroused the priest's impatience; Francisca Heou urged Maria to answer, as reported by Paulus Gerardus Heou, who served at the nuptial Mass: 'I heard nothing, but I saw the matron Heou urging the girl to 'give an answer'.' Maria, forced to respond, said: 'I do not want,' as she herself confesses in her statement: 'Francisca Heou ordered me to answer 'I want'; 'I replied: 'No'.' The woman's assertion must be considered true, not only because of all the circumstances of her actions, but also because it is confirmed by the fact that, on the second day after the marriage celebration, the priest Heou received from Maria, at a time when there was no suspicion, a statement in which she declared that she had refused to give her consent, and that 'when the priest was blessing the marriage and asking her, she replied 'I do not want'; but that she had heard the priest say 'I want'.' The woman's statement appears to be contradicted by two witnesses; the first is the priest who performed the marriage, who, when questioned by the judge about the girl's response, stated: 'As far as I can say, I heard her say 'I want,' but, at the same time, while the Christians were reciting prayers, perhaps I did not clearly perceive everything.' The second is Petrus Che-keun-Eul, who stated: 'At first, when the priest asked her, she (Maria) did not respond; afterwards, she uttered the word 'Heung,' which usually equates to an affirmation.' However, it must first be noted that these two witnesses do not agree with each other; for the first heard 'Yuen' (I want), while the second heard 'Heung' (so). Furthermore, the priest's testimony is doubtful due to the priest's own confession. It is not necessary to consider the testimony of Petrus Che-keun-Eul, as it is clear that other witnesses, who were standing near Maria, heard nothing. Thus, Paulus Gerardus Heou said: 'I heard nothing'; and thus, Francisca Heou, who had forced Maria to answer, stated: 'I did not clearly hear'; likewise, Petrus Heou-Lao-Mei, who was present as a witness to the marriage, says: 'I heard nothing.' Finally, the groom himself, Iosephus Shia, who was standing near Maria, says: 'I did not hear her say 'I want' or 'I do not want'.' Moreover, Maria did not receive the blessed ring except when forced; it was Francisca Heou who held her hand, and thus the ring was placed on her finger; as the same Francisca reports: 'I led her to the priest...'"

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